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Canada

THE QUEEN

VS.

LOUIS RIEL,

ACCUSED AND CONVICTED OF THE CRIME OF HIGH TREASON.

REPORT

OF

TRIAL AT REGINA.—APPEAL TO THE COURT OF QUEEN'S BENCH, MANITOBA.
—APPEAL TO THE PRIVY COUNCIL, ENGLAND.—PETITION FOR MEDICAL
EXAMINATION OF THE CONVICT.—LIST OF PETITIONS FOR COMMUTA-
TION OF SENTENCE, OTTAWA.



OTTAWA :
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1886

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CANADA
North-West Territories. }

STIPENDIARY MAGISTRATE'S COURT.

THE QUEEN

vs.
LOUIS RIEL

*Charged on an Indictment for High Treason,
under the North-West Territories Act, 1880.*

REGINA, 20th July, 1885.

The Court assembled at 11 A.M.

MR. JUSTICE RICHARDSON.—I have to announce that Mr. Henry LeJeune will be the Associate Justice for the approaching trial; Mr. Dixie Watson, clerk; Wallace Maclean, J. S. Monahan, James T. Parkes and F. R. Marceau, official reporters.

Mr. Sheriff, will you return the precept.

Precept handed by the Sheriff to the clerk who reads the return and calls the list of Jurors.

HIS HONOR MR. JUSTICE RICHARDSON.—The clerk will open the Court.
Court opened by the clerk.

MR. JUSTICE RICHARDSON.—Mr. Sheriff, will you bring in the prisoner.
Prisoner brought in and placed in the dock.

MR. JUSTICE RICHARDSON.—Louis Riel, have you been furnished with a copy of the charge, of the panel of jurors, of the list of witnesses for the prosecution?

PRISONER.—Yes, your honor.

MR. JUSTICE RICHARDSON.—Arraign the prisoner.

The clerk reads the indictment, as follows:—

Sixth day of July, in the year of Our Lord 1885, at the Town of Regina, in the North-West Territories.

Before me, Hugh Richardson, one of the Stipendiary Magistrates of the North-West Territories, exercising Criminal Jurisdiction under the provisions of the North-West Act, 1880.

LOUIS RIEL, you stand charged on oath before me as follows:—

“The information and complaint of Alexander David Stewart, of the City of Hamilton, in the Province of Ontario, in the Dominion of Canada, Chief of Police, taken the sixth day of July, in the year of Our Lord one thousand eight hundred and eighty-five, before the undersigned, one of Her Majesty's Stipendiary Magistrates, in and for the said North-West Territories of Canada, who saith:—

“1. That Louis Riel being a subject of Our Lady the Queen, not regarding the duty of his allegiance, nor having the fear of God in his heart, but being moved and seduced by the instigation of the Devil, as a false traitor against our said Lady the Queen, and wholly withdrawing the allegiance, fidelity and obedience which every true and faithful subject of our said Lady the Queen, should and of right ought to bear

towards our said Lady the Queen, in the year aforesaid, on the twenty-sixth day of March, together with divers other false traitors to the said Alexander David Stewart, unknown, armed and arrayed in a warlike manner, that is to say, with guns, rifles, pistols, bayonets and other weapons, being then unlawfully, maliciously and traitorously assembled and gathered together against our said Lady the Queen, at the locality known as Duck Lake, in the said North-West Territories of Canada, and within this Realm, and did then maliciously and traitorously attempt and endeavour by force and arms to subvert and destroy the Constitution and Government of this Realm as by law established, and deprive and depose our said Lady the Queen of and from the style, honour and kingly name of the Imperial Crown of this Realm, in contempt of our said Lady the Queen and her laws, to the evil example of all others in the like case offending, contrary to the duty of the allegiance of him the said Louis Riel, against the form of the statute in such case made and provided, and against the peace of our said Lady the Queen, her Crown and dignity.

“2. And the said Alexander David Stewart further saith: That the said Louis Riel, being a subject of our Lady the Queen, not regarding the duty of his allegiance, nor having the fear of God in his heart, but being moved and seduced by the instigation of the Devil as a false traitor against our said Lady the Queen and wholly withdrawing the allegiance, fidelity and obedience which every true and faithful subject of our said Lady the Queen should and of right ought to bear towards our said Lady the Queen, on the twenty-fourth day of April in the year aforesaid, together with other divers false traitors to the said Alexander David Stewart unknown, armed and arrayed in a warlike manner, that is to say, with guns, rifles, pistols, bayonets and other weapons being then unlawfully, maliciously and traitorously assembled and gathered together against our said Lady the Queen, most wickedly, maliciously and traitorously did levy and make war against our said Lady the Queen, at the locality known as Fish Creek, in the said North-West Territories of Canada, and within this Realm, and did then maliciously and traitorously attempt and endeavor by force and arms to subvert and destroy the Constitution and Government of this Realm as by law established, and deprive and depose our said Lady the Queen of and from the style, honour and kingly name of the Imperial Crown of this Realm, in contempt of our said Lady the Queen and her laws, to the evil example of all others in the like case offending, contrary to the duty of the allegiance of him, the said Louis Riel, against the form of the Statute in such case made and provided and against the peace of our said Lady the Queen, her Crown and dignity.

“3. And the said Alexander David Stewart further saith: That the said Louis Riel, being a subject of our Lady the Queen, not regarding the duty of his allegiance nor having the fear of God in his heart, but being moved and seduced by the instigation of the Devil, as a traitor against our said Lady the Queen, and wholly withdrawing the allegiance, fidelity and obedience which every true and faithful subject of our said Lady the Queen should and of right ought to bear towards our said Lady the Queen, on the ninth, tenth, eleventh and twelfth days of May, in the year aforesaid, together with other divers false traitors to the said Alexander David Stewart unknown, armed and arrayed in a warlike manner, that is to say, with guns, rifles, pistols, bayonets and other weapons being then unlawfully, maliciously and traitorously assembled and gathered together against our said Lady the Queen, most wickedly, maliciously and traitorously did levy and make war against our said Lady the Queen at the locality known as Butoche, in the said North-West Territories of Canada, and within this Realm, and did then maliciously and traitorously attempt and endeavor by force and arms to subvert and destroy the Constitution and Government of this Realm as by law established, and deprive and depose our said Lady the Queen of and from the style, honour and kingly name of the Imperial Crown of this Realm, in contempt of our said Lady the Queen and her laws, to the evil example of all others in like case offending, contrary to the duty of the allegiance of him, the said Louis Riel, against the form of the Statute in

such case made and provided and against the peace of our said Lady the Queen, her Crown and dignity.

“4. And the said Alexander David Stewart further saith: That the said Louis Riel, then living within the Dominion of Canada and under the protection of our Lady the Queen, not regarding the duty of his allegiance, nor having the fear of God in his heart, but being moved and seduced by the instigation of the Devil as a false traitor against our said Lady the Queen, and wholly withdrawing the allegiance, fidelity and obedience which he should and of right ought to bear towards our said Lady the Queen, on the twenty-sixth day of March, in the year aforesaid, together with other divers false traitors to the said Alexander David Stewart unknown, armed and arrayed in a warlike manner, that is to say, with guns, rifles, pistols, bayonets and other weapons, being then unlawfully, maliciously and traitorously assembled and gathered together against our said Lady the Queen, most wickedly, maliciously and traitorously did levy and make war against our said Lady the Queen at the locality known as Duck Lake, in the said North-West Territories of Canada, and within this Realm, and did then maliciously and traitorously attempt and endeavor by force and arms to subvert and destroy the Constitution and Government of this Realm as by law established, and deprive and depose our said Lady the Queen of and from the style, honour and kingly name of the Imperial Crown of this Realm, in contempt of our said Lady the Queen and her laws, to the evil example of all others in like case offending, contrary to the duty of the allegiance of him, the said Louis Riel, against the form of the Statute in such case made and provided and against the peace of our said Lady the Queen, her Crown and dignity.

“5. And the said Alexander David Stewart further saith: That the said Louis Riel, then living within the Dominion of Canada, and under the protection of our said Lady the Queen, not regarding the duty of his allegiance nor having the fear of God in his heart, but being moved and seduced by the instigation of the Devil as a false traitor against our said Lady the Queen, and wholly withdrawing the allegiance, fidelity and obedience which he should and of right ought to bear towards our said Lady the Queen, on the twenty-fourth day of April, in the year aforesaid, together with other divers false traitors to the said Alexander David Stewart unknown, armed and arrayed in a warlike manner, that is to say, with guns, rifles, pistols, bayonets and other weapons, being then unlawfully, maliciously and traitorously assembled and gathered together against our said Lady the Queen, most wickedly, maliciously and traitorously did levy and make war against our said Lady the Queen, at the locality known as Fish Creek, in the said North-West Territories of Canada, and within this Realm, and did then maliciously and traitorously attempt and endeavor, by force and arms, to subvert and destroy the Constitution and Government of this Realm as by law established, and deprive and depose our said Lady the Queen of and from the style, honour and kingly name of the Imperial Crown of this Realm, in contempt of our said Lady the Queen and her laws, to the evil example of all others in like case offending, contrary to the allegiance of him, the said Louis Riel, against the form of the Statute in such case made and provided, and against the peace of our said Lady the Queen, her Crown and dignity.

“6. And the said Alexander David Stewart further saith: That the said Louis Riel, then living within the Dominion of Canada and under the protection of Our Sovereign Lady the Queen, not regarding the duty of his allegiance, nor having the fear of God in his heart, but being moved and seduced by the instigations of the Devil as a false traitor against Our said Lady the Queen, and wholly withdrawing the allegiance, fidelity and obedience which he should and of right ought to bear towards Our said Lady the Queen, on the ninth, tenth, eleventh and twelfth days of May, in the year aforesaid, together with divers other false traitors to the said Alexander David Stewart unknown, armed and arrayed in a warlike manner, that is to say with guns, rifles, pistols, bayonets and other weapons being then unlawfully, maliciously and traitorously assembled and gathered against Our said Lady the Queen, most wickedly and maliciously and traitorously did levy and make war against Our said Lady the Queen, at the locality known as

Batoche, in the said North West Territories of Canada, and within this Realm and did then, maliciously and traitorously attempt and endeavour by force and arms to subvert and destroy the Constitution and Government of this Realm as by law established, and deprive and depose Our said Lady the Queen of and from the style, honour and kingly name of the Imperial Crown of this Realm in contempt of Our said Lady the Queen and her laws, to the evil example of others in like case offending, contrary to the duty of allegiance of him, the said Louis Riel, against the form of the Statute in such case made and provided, and against the peace of Our said Lady the Queen, Her Crown and dignity.

(Signed)

A. D. STEWART.

Sworn before me, the day and year first above mentioned, at the town of Regina, in the North West Territories of Canada.

(Signed) HUGH RICHARDSON,

A Stipendiary Magistrate in and for the North-West Territories of Canada.

CLERK.—Louis Riel, are you guilty or not guilty?

MR. JUSTICE RICHARDSON.—Who appears for the prosecution?

MR. CHRISTOPHER ROBINSON Q. C.—I appear with my learned friends B. B. Osler, Q. C., G. W. Burbidge, Q. C., D. L. Scott and T. C. Casgrain.

MR. F. X. LEMIEUX.—I appear for the prisoner with Mr. Charles Fitzpatrick, J. N. Greenshields and T. C. Johnston. I hold in my hand a plea to the jurisdiction of the Court, supported by the usual affidavits, and we have agreed that Mr. Fitzpatrick shall argue that part of the case. Will your Honor be kind enough to have the prisoner swear to the affidavit supporting the plea?

MR. RICHARDSON.—The clerk may swear him now, as the Court is open. Affidavit sworn to by the prisoner.

MR. FITZPATRICK.—May it please your Honor, I will now proceed to read to the Court the plea to the jurisdiction of the Court in this case and affidavit.

“THE QUEEN *vs.* LOUIS RIEL.”

Charged under the North-West territories Act 1880.

“And the said Louis Riel, in his own proper person cometh into a Court here and having heard the information and complaint of Alexander David Stewart, of the City of Hamilton, in the Province of Ontario, in the Dominion of Canada, Chief of Police, taken the sixth day of July, in the year of Our Lord one thousand eight hundred and eighty-five, before Hugh Richardson, one of Her Majesty's Stipendiary Magistrates in and for the North-West Territories of Canada, saith:

“That Hugh Richardson, Esq., one of Her Majesty's Stipendiary Magistrates for the North-West Territories of Canada, exercising criminal jurisdiction, in open Court, with a justice of the peace and a jury of six, under the provision of the North-West Territories Act, 1880, ought not to take cognizance of the offences in the said information charged and specified because, protesting that he is not guilty of the same, nevertheless, the said Louis Riel saith that the offences with which he is charged are punishable with death and he should be committed for safe custody and sent for trial to Upper Canada or to any Court constituted in British Columbia, taking cognizance of like offences committed therein, and because in virtue of the laws in force in the place where the said offences are charged to have been committed, the said Hugh Richardson, in open Court, with a

justice of the peace and a jury of six, has no jurisdiction to try the offences charged in the said information.

“Wherefore the said Louis Riel prays judgment if the said Hugh Richardson in open Court with a justice of the peace and a jury of six now here will take cognizance of the charges aforesaid.”

Court here adjourned till one o'clock.

Resumed after adjournment.

HIS HONOR MR. JUSTICE RICHARDSON.—Before you proceed, I understand there are quite a number of prisoners in custody.

MR. OSLER.—Seventy three.

HIS HONOR.—Going through all these will take a very long time, a great number of days. The prospects are that this case, if it does not close at once, will take a considerable time and will be followed by the others. I think it would be unfair for the prisoners to keep them longer in custody than necessary, and I propose therefore, as there are other gentlemen having the same jurisdiction as myself, to ask the Government to send one of them to hold Court so as to have the two Courts sitting at the same time, if you gentlemen have no objection to that course.

MR. ROBINSON.—We have no objection to that. We were talking about it this morning.

MR. FITZPATRICK.—I will proceed to read our plea to the jurisdiction of the Court, as amended in some respects.

HIS HONOR.—This will be substituted for the one put in my hand this morning.

MR. FITZPATRICK reads the plea as amended.

MR. ROBINSON.—In our view a formal plea to the jurisdiction is not necessary nor a formal answer, we thought it only necessary for them to state their objection and for us to answer them.

“And the said Christopher Robinson, one of Her Majesty's Counsel learned in the law, who for Our said Sovereign Lady the Queen, in this behalf prosecute, to the said plea of him the said Louis Riel, by him above pleaded as aforesaid, for Our said present Sovereign Lady the Queen, saith:

“That the said plea and the matter therein contained are not sufficient in law to preclude the Court from their jurisdiction, and to hear and determine the offences charged, mentioned and specified in the said charge as above charged upon him the said Louis Riel in and by the said charge.

“Wherefore, for want of a proper and sufficient answer in this behalf he prayeth judgment, and that the said Louis Riel may answer in Court here to Our said present Sovereign Lady the Queen touching and concerning the premises aforesaid.”

Answer handed to the clerk and filed.

HIS HONOR.—We have the plea to the jurisdiction and we have the demurrer.

MR. FITZPATRICK.—We join issue upon the demurrer.

MR. JUSTICE RICHARDSON.—Now, if I understand the contention of Mr. Fitzpatrick, it is that this Act of 1880, so far as it relates to the trial of criminal offences such as this, is *ultra vires*.

MR. FITZPATRICK.—My contention is that the Act of 1880, in so far as it relates to the trial of capital cases is *ultra vires*.

MR. JUSTICE RICHARDSON.—Well, as I cannot hold that, I must sustain the demurrer.

I must now call upon Louis Riel to plead.
Prisoner pleads not guilty.

MR. JOHNSTON.—With the permission of the court I beg leave to demur to the information. It might be sufficient to demur *oīe tenis*, or by oral exception to the information: yet, as the information laid by the prosecution in itself formal, and a departure from the procedure hereto of this court, I think it necessary to put in a written general demurrer as follows:

CANADA,
North-West Territories.)

THE QUEEN *vs.* LOUIS RIEL, now charged before His Honor Hugh Richardson, Stipendiary Magistrate, and Henry LeJeune, Esquire, a justice of the peace, and a jury of six under the provision of subsection 5, section 76, of the North-West Territories Act, 1880, on the information of Alexander David Stewart. The said Louis Riel, in his own proper person, cometh into Court here, and having heard said information read, sayeth that the said information and the matters therein contained in the manner and form as described and above stated and set forth, are not sufficient in law, and that the said Louis Riel is not bound by law of the land to answer the same.

Wherefore for want of sufficient information the said Louis Riel prays judgment.

MR. JUSTICE RICHARDSON.—I don't think there is anything in the objection of Mr. Johnston and I overrule it. Are there any other demurrers?

MR. OSLER.—The clerk will ask the prisoner whether he is guilty or not.

CLERK.—Louis Riel, are you guilty or not guilty?

PRISONER.—I have the honor to answer the Court I am not guilty.

MR. FITZPATRICK.—I have now to state that I have to ask an adjournment till to-morrow morning to enable us to prepare some affidavits we require to produce to show why we are not in a position to proceed with the trial at the present moment.

HIS HONOR.—Jurors will understand that they are to be continually in attendance, as also witnesses on both sides.

We will adjourn till 10 o'clock to-morrow.

Court then adjourned.

REGINA, July 21st, 1885.

The clerk opened the Court at 10 o'clock.

HIS HONOR MR. JUSTICE RICHARDSON: Call the jury.

The clerk calls over the list of jurors.

THOMAS PEEL, one of the jurors.—Your honor, on account of being post-master and contractor to carry the mails, I beg to be relieved.

HIS HONOR.—I fear I have no power to relieve you now, you were fairly drawn out of a large number of names; and I do not think that I can discharge you now.

HIS HONOR.—I have noticed several jurors who were summoned do not appear. Is it the desire that proceedings should be instituted against them?

MR. ROBINSON.—Not if we can get on without them.

MR. LEMIEUX.—Mr. Watson, will you please swear the prisoner to these affidavits.

The clerk swears the affidavits.

MR. GREENSHIELDS.—Please your honor, we renew the application made yesterday afternoon for an adjournment of this trial. In the interval since the adjournment we

have had three affidavits prepared, two of the senior counsel, Messrs Lemieux and Fitzpatrick, and one of the accused. We base our application to a large extent upon those affidavits.

HIS HONOR.—Have they been shown to the counsel for the Crown?

MR. ROBINSON.—We have seen them just lately, we will look over them again.

MR. GREENSHIELDS reads the affidavits annexed hereto.

MR. JUSTICE RICHARDSON.—The order will be that the trial stands adjourned, that it proceeds peremptorily on Tuesday morning next, the 28th instant, at ten o'clock. With regard to the Jury, I don't feel inclined to keep them in attendance, and I propose to caution and warn them to return on Tuesday morning.

TO THE JURYMEN.—You gentlemen in the audience who have been warned as jurors, will understand from what has been said, that your services will not be required now till Tuesday next, at ten o'clock a.m., and you are at liberty now to return to your homes if you please. The fees that are usual for the double journey, will be paid by the Crown. Perhaps it is not necessary for me to make any remarks touching you personally, but knowing the fact that you are called upon to act as jurors in this case, kindly think of the position you occupy, and neither talk to anybody about the trial, nor allow any person to talk to you or bring you in conversation.

The Court was accordingly adjourned at 11.45 a.m. till the 28th July, at ten a.m.

Affidavits filed on motion for adjournment.

CANADA,
North-West Territories.)

THE QUEEN *vs.* LOUIS RIEL,

charged under the North-West Territories Act of 1880.

I, LOUIS RIEL, the said accused, being duly sworn, do depose and say:

That Gabriel Dumont and Michel Dumas, now of Helena, in the United States of America, in the Territory of Montana, are essential and material witnesses to my defence.

That Napoleon Nault, of Turtle Mountain, in the United States; the Rev. Father Touse, of Sacré-Cœur; the Rev. Father André, of St. Antoine; the Rev. Father Fourmond, of St. Laurent; all in the North-West Territories of Canada; S. Vankoughnet and A. M. Burgess, of Ottawa, in the Province of Ontario, are also essential and material witnesses for my defence.

That the said S. Vankoughnet is Deputy Minister of Indian Affairs, and the said Burgess is Deputy Minister of the Interior, both of whom are in their official capacity, the custodians of various official documents, petitions and representations, made by the Half-breeds of the North-West Territories to the Government of the Dominion of Canada, praying for the redress of their grievances, the refusal to grant which led to the legal agitation of the people to secure the redress of their wrongs. The said papers, petitions and documents, as nearly as I can now describe them, are as follows: The report of Mr. Pierce relating to the settlement of Prince Albert; a letter of the said Pierce, addressed to the Minister of the Interior, of date, the 17th of January, 1884. A letter from Mr. Deville, addressed to the Deputy Minister of the Interior, of date, 7th February, 1884. A letter from Father Berginville, addressed to Capt. Deville, of date, 19th January, 1884. A petition by the inhabitants of St. Louis-de-Langevin, forwarded to Sir John A. Macdonald, about the 19th November, 1883. A letter from the Land Commissioner, Mr. Pierce, dated, 14th September, 1883. A letter from Fathers Leduc and Malony, addressed to the Hon. D. L. Macpherson, acting Minister of the Interior. A petition from the settlers of Prince Albert, in the North-West Territories,

forwarded during the winter of 1882 and 1883, and signed by a large number of said settlers. A petition from St. Antoine-de-Padoue, addressed to Sir John A. Macdonald, as Minister of the Interior, of date, the 14th September, 1882. A petition from Gabriel Dumont and others, of the 4th September, 1884, addressed to the Right Hon. Sir John A. Macdonald, as Minister of the Interior. A petition presented by the Rev. Father André to the Lieutenant Governor in Council, in the month of June, 1881. A petition presented by the inhabitants of Prince Albert to the Minister of the Interior. A letter from Land Agent Duck, dated the 13th of November, 1878, addressed to the Minister of the Interior. A petition by the French-Canadians and Half-breeds of Prince Albert passed by Mr. Laird to the Government of the Dominion of Canada. A resolution passed by these settlers of St. Laurent of the 1st of February, 1878, forwarded to the Government of the Dominion of Canada. A petition presented by the Qu'Appelle Half-breeds in August or September, 1881, to Sir John A. Macdonald, as Minister of the Interior. A resolution of the Council of the North-West Territories, of the date of 2nd August, 1878.

That I have reason to believe, and do verily believe, and I am informed on reliable authority, that all of the aforementioned documents were duly forwarded to the Government of Canada, and are now in the possession of the various Departments, and can be procured by the above-named witnesses.

That all the above-named witnesses are material and essential to me in my defence, and will prove that the agitation in the North-West Territories was constitutional and for the rights of the people in said North-West.

That without the said witnesses being heard in Court, I cannot make a proper defence to the present charge and will be deprived of justice.

That I have no means with which to defray the expenses of the said witnesses and to procure their attendance here in Court or to retain counsel.

That unless the Government of this country or this Honorable Court do provide the means with which to secure the attendance of the above-named witnesses, before this Court, it is essential to my defence that the various papers, writings and documents taken from me at the time of my surrender to General Middleton and taken by him and his officers from my house subsequently should be placed in the hands of my counsel for their examination and consideration, previous to being put upon my trial.

That it is impossible for me to state the exact description of the said papers, writings and documents, as the excitement under which I was laboring during the time of my surrender and some days subsequently and previous thereto, render it impossible for me to describe the said documents.

That I believe among the said documents is a certificate of the Courts of the United States of America that I was duly naturalized as a citizen of the United States, which I was, but if the said certificate is not among the said papers, it is essential to my defence that I should be given an opportunity of obtaining the said certificate by means of which I can establish that, at the time of the commission of the alleged offences, I was a citizen of the United States of America, and was not a British subject, as charged in the said information.

That in order to properly prepare for my defence I require at least a delay of one month, and I have signed.

(Signed),

LOUIS RIEL.

Sworn and acknowledged before me this
21st day of July A. D. 1885, at Re-
gina, in the North-West Territories.

(Signed),

DIXIE WATSON, *Clerk.*

CANADA,
North-West Territories,) THE QUEEN vs. LOUIS RIEL.

FRANÇOIS XAVIER LEMIEUX, Barrister, one of the counsel of Louis Riel, the accused, being duly sworn, deposes and says:

That in the course of last June, towards the end of the month, he was retained by persons interested on behalf of the accused to undertake his defence.

That persons were instructed to cause to be brought to Regina essential and necessary witnesses in the defence of Louis Riel, and believed to be such by the deponent.

That the witnesses above referred to are Doctor François Roy, of Quebec, Doctor Clark, of Toronto, and Doctor A. Vallée, of Quebec.

That the deponent verily believes that the said witnesses would have reached Regina by this time, but by reason of misapprehension and circumstances beyond control, the said witnesses have failed or have not been able to be present in order to give their evidence.

That from his experience as a counsel and advocate he swears that the said Drs. Roy, Vallée and Clark are necessary, material and indispensable witnesses for the defence of the accused, and moreover, are the sole witnesses capable of proving certain important facts relating to the said defence.

That the deponent verily believes that if a delay of one month is granted he can procure the said witnesses by going himself to Quebec and Toronto, and that, at the expiration of the said delay, the above-named witnesses will be present at the Court to give evidence in favor of the accused.

And the deponent has signed.

(Signed),

F. X. LEMIEUX.

Sworn before me, at Regina, this
21st day of July, 1885.

(Signed),

DIXIE WATSON, *Clerk.*

CANADA,
North-West Territories,) THE QUEEN vs. LOUIS RIEL.

On trial under sub-section 5 of section 76 of the North-West Territories Act of 1880, before their honors Hugh Richardson, S. M., and Henry LeJeune, J. P., and a jury of six.

I, Charles Fitzpatrick, of the city of Quebec, one of the counsel of the above-named Louis Riel, make oath and say:

1. I was retained for the defence of the said Louis Riel in the month of June last passed, and immediately thereafter put myself in communication with my said client and others, with the view of obtaining such information as would enable me to set up such defence as in the interest of my said client would be most beneficial.

2. Owing to the distance of Quebec from my client, it was not until the 29th day of the said month of June I was instructed by the accused, and then only partially.

3. Since the receipt of the said instruction, I have been diligently endeavoring to obtain the attendance of the witnesses for the accused, but as he, the accused, is a man of little or no means, and had to raise funds for his defence through his friends in the Province of Quebec, it was an utter impossibility to obtain their attendance in time for his trial.

4. I have been instructed since my arrival in Regina, that the requisite funds have

been raised to secure the attendance of the said witnesses for the defence, who are material and necessary, and without whose evidence we cannot proceed to trial.

5. Some of the facts intended to be proved by such witnesses, are that the accused for several years was insane, and had to be confined in a lunatic asylum in the Province of Quebec, and would get deranged; also, the circumstances under which the accused left his home in Montana, and came to this country, at the solicitations of his friends, in the year one thousand eight hundred and eighty-five; the nature of the agitation in the North-West, and the constant advice given by the accused to limit the agitation to constitutional means and peaceful measures; the desire expressed by the accused to leave the country in the month of February last passed, and the objections of the people to his returning to Montana aforesaid; that the alleged rebellion was commenced and conducted under the direction of a council of fourteen persons, of which council the prisoner was not a member; and that he did not participate in any engagement or commit or countenance any overt act of treason.

6. These facts can be proved by Gabriel Dumont, Michel Dumas, Napoléon Nault, Dr. Roy, of Québec, Dr. Clark, of Toronto, and Dr. Vallée, of Québec, whose attendance at the trial I verily believe can be secured, if sufficient time for that purpose is granted to the defence.

(Signed),

C. FITZPATRICK.

Sworn before me, at Regina, this
21st day of July, 1885.

(Signed),

DIXIE WATSON, Clerk.

REGINA, Tuesday, July the 28th, 1885.

The Court met at ten o'clock a.m.

Mr. OSLER opened the case to the Jury.

The witnesses were then called as follows:

DR. JOHN H. WILLOUGHBY, sworn, examined by Mr. Robinson.

Q. You are a medical man?—A. Yes.

Q. Where are you practising?—A. At Saskatoon.

Q. How long there?—A. I have been there since two years last May.

Q. How far is Saskatoon from Batoche?—A. About 50 miles.

Q. Do you remember going to Batoche about the 16th March last?—A. I do.

Q. Did you go alone?—A. No, I was accompanied by.....

Q. By whom?—A. A half-breed named Norbert Welsh.

Q. And at what house did you go to stop when you got to Batoche?—A. I stopped with George Kerr.

Q. Is that the Kerr Brothers?—A. Yes, at their store.

Q. Did you hear anything of any anticipated difficulty?—A. I did.

Q. Where?—A. I heard it at Mr. Kerr's store.

Q. How long did you remain at Batoche then?—A. Two days.

Q. You went on the 16th, when did you leave it?—A. I remained over the 17th and left upon the 18th.

Q. Did you see any one on the 17th, did you hear anything then of any disturbance anticipated; did you hear any rumour of possible difficulties?—A. I did hear rumors.

Q. When you left Batoche, whom did you go with?—A. I left with Mr. Welsh and Mr. Macintosh.

Q. Had Welsh any object in view, did he desire to see any one from Batoche?—A. We were leaving Batoche for Saskatoon.

Q. You were with Welsh?—A. Yes.

Q. Was he desirous to see any one, as far as he explained to you?—A. He was desirous of seeing Riel.

Q. Did you go with him for that purpose?—A. I did.

Q. Where did he expect to find Riel then?—A. I hardly know where he expected to find him, he was informed on the road by Gabriel Dumont as to Riel's whereabouts.

Q. Did you find Riel?—A. Yes.

Q. Where?—A. At the house of a Half-breed named Rocheleau.

Q. What is his christian name?—A. I don't remember.

Q. How far south of Batoche was that?—A. Six or seven miles.

Q. Did you know Riel at that time?—A. I had met him before.

Q. How long before?—A. About four months.

Q. About the December or January before?—A. Yes, in November, I believe.

Q. Whereabouts?—A. I met him at the house of Moise Ouellette.

Q. Had you been introduced and spoken to him then?—A. I had spoken to him then.

Q. You knew him by sight?—A. Yes.

Q. When you met him at Rocheleau's, did he say anything to you?—A. He did.

Q. What did he say?—A. Well, he told me the time had come for the Half-breeds to assert their rights.

Q. Do you mean that was the first thing or almost the first thing he said to you, did he ask you any question at all?—A. When I entered the house, I spoke to him. I sat opposite to him, and very little was said for a few moments. Presently, he got up and passed in front of me, and he suddenly stopped and turned to me and said; The time has come when it would have been well for a man to have been good or to have led a good life.

Q. Did he say anymore then?—A. I replied to that.

Q. What did you say, do you remember?—A. I cannot remember what I did say, something to the effect it would be better for a man to always lead a good life and be prepared for any emergency.

Q. What took place next?—A. Just at that time a large crowd of men drove up to the door of Rocheleau's house.

Q. How many do you think?—A. I would judge about 60 or 70.

Q. Were they Half-breeds?—A. Half-breeds.

Q. Were they armed?—A. They were.

Q. All armed, as far as you observed?—A. No, there were some who were not armed.

Q. Were the majority armed?—A. The majority were armed, I only remember seeing one who was not armed.

Q. What were the majority armed with?—A. The majority, I believe, had shot guns, appeared to me to be shot guns. They were outside and I was in the house.

Q. This would have been on the 17th March, if I understand it rightly?—A. The 18th. It was on a Wednesday, I believe, the 18th.

Q. When this crowd came, did the prisoner say anything to you?—A. It was just as they drove up he addressed me. He then said the Half-breeds (he and his people, I believe, he put it) intended to strike a blow to gain their rights.

Q. Did you make any answer?—A. Yes, I replied there were different ways to gain their rights, the white settlers took a different way in having their grievances settled. He replied no one knew better than he did as to the grievances of the settlers. And he said: I and my people have time and time again petitioned the Government to redress our grievances, and he said: The only answer we received each time has been an increase of police.

Q. He said they had time and time again petitioned the Government for redress, and the only answer they received each time was an increase of the police?—A. Yes.

Q. What next did he say?—A. He said: Now I have my police, referring to the men at the door.

Q. Those 60 or 70 men?—A. Yes. He pointed to them and he said: You see now I have my police. In one week that little Government police will be wiped out of existence.

Q. Well, what next?—A. I believe, I said, if he intended to attack the police or raise a rebellion, they should look after the protection of the settlers, there being no ill will among the settlers towards the Half-breeds.

Q. What next?—A. He told me I was from Saskatoon, and as a settler from Saskatoon, I had no right to speak for the welfare of the settlers, and charged the settlers at Saskatoon with having offered to aid the mounted police, at Battleford, to put down an Indian rising last autumn.

Q. Repeat that.—A. He said that I, as a citizen of Saskatoon, had no right to ask protection, because...

Q. Because the people of Saskatoon had aided the police?—A. He said they offered men to kill the Indians and Half-breeds.

Q. That was the reason why he said the settlers of Saskatoon had no right to protection?—A. He said: We will now show Saskatoon or the people of Saskatoon who will do the killing.

Q. Go on.—A. He made a statement as to my knowledge of his rebellion, that is of the former rebellion in 1870, and he said that he was an American citizen living in Montana, and that the Half-breeds had sent a deputation there to bring him to this country.

Q. What else?—A. That in asking him to come they had told their plans, and that he had replied to them to the effect that their plans were useless.

Q. Did he say what the plans were?—A. No, I believe not, but that he had told them that he had plans, and that if they would assist him to carry out those plans he would go with them.

Q. Did he tell you what those plans were?—A. Yes, he did.

Q. What were they?—A. He said the time had now come when those plans were mature, that his proclamation was at Pembina, and that as soon as he struck the first

blow here, that proclamation would go forth, and he was to be joined by Half-breeds and Indians and that the United States was at his back.

Q. Did he tell you anything more?—A. He said that knowing him and his past history, I might know that he meant what he said.

Q. Anything else?—A. He said that the time had come now when he was to rule this country or perish in the attempt.

Q. Go on.—A. We had a long conversation then as to the rights of the Half-breeds and he laid out his plans as to the government of the country.

Q. What did he say as to the government of the country?—A. They were to have a new government in the North-West. It was to be composed of God fearing men, they would have no such parliament as the house at Ottawa.

Q. Anything else?—A. Then he stated how he intended to divide the country into seven portions.

Q. In what manner?—A. It was divided into seven portions but as to who were to have the seven, I cannot say.

Q. You mean to say you cannot say how these seven were to be apportioned?—A. Yes, he mentioned Bavarians, Poles, Italians, Germans, Irish. There was to be a new Ireland in the North West.

Q. Anything more? Did he say anything about himself or his own plans?—A. I recollect nothing further at the present time.

Q. You say he referred to the previous rebellion of 1870, what did he say in regard to that?—A. He referred to that and he said that that rebellion, the rebellion of fifteen years ago, would not be a patch upon this one.

Q. Did he say anything further with regard to that?—A. He did; he spoke of the number that had been killed in that rebellion.

Q. What did he say as to that?—A. I cannot state as to what he said, but it was to the effect that this rebellion was to be of far greater extent than the former.

Q. Did he speak to the men who were there, or they to him when you were there?—A. There were several men there when the cutter drove up to the door. The majority of them stayed outside in the sleighs and some of them came in.

Q. Yes?—A. They spoke in French which I did not understand very well, but I understood him to tell them to go down to Champagne's house, and I understood him to be sending them there: most of the men then drove off and a few stayed behind.

Q. You cannot say what they asked him as your knowledge of French does not enable you to repeat the question they asked him?—A. No, I cannot say.

Q. Now what did you do then? Which left first, you or he?—A. We had dinner.

Q. This conversation took place before dinner, or during dinner?—A. Partly before, during and after dinner.

Q. You had dinner and what took place next?—A. Riel prepared to go then to follow the others.

Q. Well, what next?—A. As he was leaving he asked me, he stated personally he had no ill feeling towards me, but that I was a Canadian, but he put it in this way: as a Canadian I was a part of the Canadian Government, and in our hearts there could be no friendship towards each other.

Q. Well, did you go before or after him?—A. He left before me.

Q. Did he say where he was going?—A. No, he did not.

Q. What did you do?—A. I left immediately after he did and went on towards Clark's Crossing at the telegraph office.

Q. For what purpose?—A. To make known what I had heard.

Q. To whom?—A. My intention was to communicate with Regina, but when I got to Clark's Crossing, the wire was down between Clark's Crossing and Qu'Appelle.

Q. How far was it from Clark's Crossing that you had taken dinner?—A. Something over 40 miles.

Q. Was that on your way to Saskatoon?—A. It was.

Q. Then you intended to communicate with Regina, but when you got to Clark's Crossing the telegraph was down?—A. Yes.

Q. What did you do?—A. The only communication was with Battleford, and I informed Col. Morris.

Q. Who is Col. Morris?—A. He was in charge of the police at Battleford at that time.

Q. You informed him of what you had heard?—A. Yes.

Q. What was Mr. Welsh doing all this time? Was he present at your conversation with Riel?—A. He was.

Q. Did he, in Riel's presence, tell you anything or not?—A. No, I believe not.

Q. Have you told me your whole conversation with Riel as far as you remember?—A. I remember one point in regard to Orangeism.

Q. What was that?—A. As Riel was leaving he expressed an opinion, he stated they would have no orangeism in the North-West. I said I hoped by orangeism he did not mean Protestantism. He turned excitedly and said he was glad I had mentioned it, that he certainly understood the difference between Protestantism and orangeism, and he then spoke of the different religions and beliefs and illustrated it by the example of a tree—the true church was the large branch of the tree, and the others, as they departed from it got weaker, up to the top of the tree.

Q. He illustrated his ideas of the different religious bodies in that way? Have you told me all you can remember of your conversation with him? Whilst speaking of sending the telegram last fall, offering to aid the police...—A. Sending which telegram? He stated the Saskatoon people—that he had been furnished with a copy of the telegram sent by the Saskatoon people to Battleford last fall, offering to kill off the Half-breeds and Indians, and that, in consequence, the Saskatoon people had no right to ask for any protection; and that was not the only telegram they had sent, that about 11 days before, I think, he said that they had again made such an offer. I mean that the people of Saskatoon had again made such an offer.

Q. Now is there everything else he said to you that you can remember, or have you told me everything?—A. I believe I have told you everything.

Q. You went back to Clark's Crossing, and communicated what you had heard, to Col. Morris, and from that time onwards, where were you?—A. I was at Saskatoon and Clark's Crossing.

Q. Then, do you know anything more of your own knowledge of Riel, in connection with this rebellion. I mean not what you have heard?—A. No, I know nothing further.

Examined by Mr. FITZPATRICK.

Q. If I mistake not, you said you saw Riel for the first time, about the month of November, 1884?—A. About November.

Q. Did you see him for any length of time then?—A. I did not.

Q. Did you—you never saw him again till the 17th of March, 1885?—A. I believe not.

Q. During that interval of time, you are aware there was an agitation going on throughout that section of country?—A. I was perfectly well aware of it.

Q. The first time you ever heard of any reference to an appeal to arms in connection with this agitation, was during this interview, in March last, with Riel?—A. That was the first I heard.

Q. Riel was not armed on that occasion?—A. He was.

Q. What had he with him?—A. As he left the house...

Q. I am speaking of the time you had the conversation in the house. Was he armed then?—A. He was not armed at that time.

Q. When you first began to talk with Riel, he first mentioned to you the fact that it now became necessary for all men to reflect that it was a good thing to live well?—A. That was the first remark.

Q. Shortly after he made that remark he placed up and down the floor?—A. That was before he made the remark.

Q. Then, he began telling you about his intention to subdivide these provinces into seven?—A. He did not.

Q. He told you he intended giving the province of Quebec to the Prussians or Germans?—A. He did not.

Q. Did he say anything as to the manner he was going to divide, did he refer to the Bavarians, Hungarians and other peoples?—A. He did.

Q. What did he say he was going to do with these people?—A. They were going to assist him in the rebellion, before this war was over, and that they would have their portion of the country.

Q. By country what did he allude to?—A. The North West Territories.

Q. Exclusively?—A. As I understood it.

Q. Would you now indicate to us the different peoples he expected to assist him?—A. The Irish of the United States, the Germans, the Italians, Bavarians and Poles, and Germany and Ireland.

Q. We have had Germany and Ireland twice?—A. Well, he put it twice. He put the Irish and Germans of the United States, then Germany itself was to come into line.

Q. The Bavarians also?—A. Yes.

Q. The Hungarians?—A. I don't know. I don't believe he said anything as to the Hungarians.

Q. The Poles did he intend to give them a chance too?—A. He did.

Q. He also stated to you he was giving the Jews a portion of the province?—A. Not that I remember, he did not mention them while I was there.

Q. Did he explain to you, at that time, as to what progress he had made towards completing negotiations he had had with these peoples for their assistance?—A. He did not.

Q. You did not think it necessary to ask how he intended to carry out this agreement, or if he had made any endeavors to have an understanding about this?—A. I did.

Q. What did he say about this?—A. I tried to find from him his plans, to get what information I could, and he seemed unwilling, he took good care to unfold none of his plans.

Q. You said he had unfolded his plans as to subdividing the province?—A. Yes.

Q. Did you then ask him if had entered into negotiations with these different peoples, in order to get their assistance?—A. No, I did not ask him that.

Q. You did not ask him how he expected to get these people into the country either, did you?—A. No, I did not.

Q. Don't you think that would have been a very necessary question, to put in order to get at the bottom of his plans?—A. I believe not.

Q. You thought all his plans were very reasonable and acceptable?—A. I had my own opinion regarding them.

Q. What is that opinion, be good enough to let us know it?—My opinion at that time was that that was about the last that would be heard of it.

Q. You never had heard anything of these plans before?—A. From him?

Q. From him or anyone else?—A. Nothing of that kind with regard to this country.

Q. In regard to the plan he submitted to you, did you ever hear of such a plan before?—A. No, I never did.

Q. Did it strike you as being at all peculiar?—A. Rather a little.

Q. When he spoke to you on religious subjects, did you understand him to tell you that, in his religion, Christ was the foundation, and represented the trunk of the tree, and the different religions might be considered as representing the branches of the tree?—A. I did.

Q. Did he say what position he occupied with reference to the trunk or with reference to Christ?—A. He stated his Church was the strongest branch.

Q. During all this time, during all this conversation, I think you stated Mr. Welsh was present, was he not?—A. He was.

Q. Where is Mr. Welsh now?—A. I believe he is at Fort Qu'Appelle.

Q. That is about 40 miles from here?—A. About 50 miles.

Q. When you said Mr. Riel explained his religion was the strongest branch, did he say what his religion was?—A. He did, he said the Roman Catholic Church.

Q. He did not say anything further than that about his religion?—A. No.

Q. Did he speak anything about the Pope?—A. No, I believe not. Nothing that I can remember.

Q. You don't remember anything further of this conversation with Riel, except what you have stated?—A. I remember nothing further.

Q. Of course, the plans he unfolded to you about the conquest of the North-West, did not strike you as anything extraordinary for a man in his position to assert?—A. It did certainly.

Q. It appeared to you a very rational proposition?—A. No, it did not.

Examined by Mr. ROBINSON.

Q. You said Riel was not armed in the house, did you see him armed at all?—A. I saw him armed as he drove off from the house, he was supplied with a gun as he got into the sleigh.

Q. Do you know by whom he was supplied with a gun?—A. No, I don't know. I could not say by whom it was given him.

THOMAS MACKAY, sworn, examined by Mr. Robinson.

Q. Mr. Mackay, where do you live?—A. Prince Albert.

Q. You were born in this country?—A. Yes.

Q. How long have you lived in Prince Albert?—A. I have been in Prince Albert district since July, 1873.

Q. You remember, of course, the disturbance which took place in March last?—A. Yes.

Q. Can you tell me when you first heard of that and when you first took any part in consequence of it?—A. I had heard of the agitation for some time in the early part of March. I heard that the prisoner was inciting the Half-breeds to take up arms.

Q. Well?—A. On the morning of the 20th, Captain Moffatt and Captain Moore came to my house, between two or three o'clock in the morning, and they brought a letter from Major Crozier, stating that he had been informed on good authority that the French, under the leadership of the prisoner, had risen and taken Mr. Lash and some other prisoners, and had robbed the stores of Walters and Baker and Kerr Brothers. He also, in the same communication, asked for a detachment of some 60 to 70 volunteers to go up to reinforce the police, at Fort Carlton.

Q. Well?—A. I went down to the town and went to a number of the people there and told them what we had heard, and asked them to meet us, in James Elliott's rooms, in town. We met there and decided—we thought that we could not spare the number of men, as we had to look after the town and our families.—We went out with something like 40 men. Captain Moore enrolled 40 men, and we started about two o'clock in the afternoon of that day.

Q. For what place?—A. Fort Carlton.

Q. How far was Fort Carlton from Prince Albert?—A. Between 40 and 50 miles.

Q. When did you get to Carlton?—A. We arrived to Carlton between ten and eleven that night.

Q. What day was that?—A. The 20th.

Q. Fort Carlton was then held by a force of Mounted Police, under Major Crozier?—A. Yes.

Q. You reported to him?—A. Yes, reported to him.

Q. Did you remain there that night?—A. When I arrived there, I found Mr. Mitchell, from Duck Lake, was at Fort Carlton. He had a letter from Mr. Riel, I believe. The letter, I think, was regarding the surrender of Fort Carlton. I did not see it. When I left Prince Albert, I had decided to go on to Batoche, where the rebels had their headquarters. When I found Mitchell there, he asked me to go along with him, that I might be of some use.

Q. For what purpose did you decide to go to Batoche?—A. To see if I could point out to them the danger they were getting into in taking up arms. I knew a great many of them were ignorant and did not know what they were doing, and I thought I might induce them to disperse. I went to see if I could be of any use in preventing any outrage. An hour after I got there, I went to Duck Lake, and we found two or three of Riel's men there, Joseph and Baptiste Arcand. They had come from Batoche to meet Mr. Mitchell. I had a long conversation with them, and I invited them and tried to induce them to drop the movement. I told them at the same time I had enrolled as a volunteer, that I was one of the first to put my name down as a volunteer, and at the same time I told them that any thing they should say, I should report to the Commanding Officer, and if there was anything they did not wish me to hear, they should prepare themselves accordingly. After an hour or two of conversation with them, they went on to report at their head quarters, that I was coming with Mr. Mitchell.

Q. They went before you to report that you were coming?—A. Yes.

Q. What took place?—A. We arrived at the river about eight or nine o'clock in the morning.

Q. You had travelled all night?—A. Yes.

Q. You did not arrive that night?—A. No; when we got to the river I found a

number of armed men around Walter & Baker's store. A sentry hailed us and took us to the guard.

Q. How many armed men did you find?—A. Twelve or fifteen outside. There were some more in the store.

Q. They took you to the guard?—A. There was a sentry about fifteen to twenty yards on this side of the store.

Q. Did he stop you?—A. He stopped us and took us on.

Q. Did you know his name?—A. No.

Q. Where did he take you to?—A. To the guard that was stationed around Walter & Baker's store.

Q. Well?—A. Philip Guardupuy came out and said he was deputed to show us across the river.

Q. You were then on the North side of the river?—A. Yes. He got into the sleigh and took us across to their council room.

Q. Where was their council room?—A. The council room at that time, was a little building just south of the church. I do not know whom it belonged to. It is burned down now. It was just near the church.

Q. Whom did you find in the council room?—A. A number of men.

Q. Armed?—A. Yes, they were armed.

Q. These twelve or fifteen men you have referred to, were they armed?—A. Yes. Philippe Guardupuy was not armed, but the rest were. We went into the council room, and I went around the table and among them, and finally was introduced to the prisoner. That was the first time I had seen him.

Q. Where were you introduced to him?—A. In the council room.

Q. You say that was the first time you had seen him?—A. Yes.

Q. Who were in the council room when you were introduced to him?—A. Quite a number. They were moving in and out.

Q. Would you say there was a dozen men in the room?—A. Yes; more than that.

Q. Who introduced you to the prisoner?—A. Mr. Mitchell introduced me to Mr. Riel, as one of Her Majesty's soldiers.

Q. That is Mr. Hilliard Mitchell?—A. Yes. I shook hands with Mr. Riel and had a talk with him. I said: There appears to be great excitement here, Mr. Riel. He said: No, there is no excitement at all, it was simply that the people were trying to redress their grievances, as they had asked repeatedly for their rights, and that they had decided to make a demonstration. I told him that it was a very dangerous thing to resort to arms. He said he had been waiting fifteen long years, and that they had been imposed upon, and it was time now, after they had waited patiently, that their rights should be given, as the poor Half-breeds had been imposed upon. I disputed his wisdom and advised him to adopt different measures.

Q. Did he speak of himself at all in the matter?—A. He accused me of having neglected my people. He said, if it was not for men like me, their grievances would have been redressed long ago. That, as no one took any interest in these people, he had decided to take the lead in the matter.

Q. Well?—A. He accused me of neglecting them. I told him it was simply a matter of opinion. That I had certainly taken an interest in them, and my interest in the country was the same as theirs, and that I had advised them time and again, and that I had not neglected them. I also said that he had neglected them a long time, if he took as deep an interest as he professed to. He became very excited, and got up and said:

You don't know what we are after—it is blood! blood! We want blood! It is a war of extermination! Everybody that is against us is to be driven out of the country. There were two curses in the country, the government and the Hudson Bay company.

Q. Yes?—A. He turned to me and said I was a traitor to his government. That I was a speculator and a scoundrel and robber and thief, and I don't know what all.

Q. He used very violent language to you?—A. Yes. He finally said it was blood, and the first blood, they wanted was mine. There were some little dishes on the table, and he got hold of a spoon and said: You have no blood—you are a traitor to your people. Your blood is frozen, and all the little blood you have will be there in five minutes, putting the spoon up to my face and pointing to it. I said: If you think you are benefitting your cause by taking my blood you are quite welcome to it. He called his people and the committee, and wanted to put me on trial for my life, and Garnot got up and went to the table with a sheet of paper, and Gabriel Dumont took a chair on a syrup keg, and Riel called up the witnesses against me. He said I was a liar, and he told them that I had said all the people in that section of the country had risen against them. He said it was not so, that it was only the people in this town. He said he could prove that I was a liar by Thomas Scott.

Q. Was Thomas Scott there?—A. Yes; he said so.

Q. Well?—A. He called for Garnot, the secretary, and called for the witnesses, and they would assent to what he said.

Q. Which of the two Arcands was there?—A. Baptiste. He was putting words to their mouths, saying things I did not understand at all. When I saw what he was driving at, I said: I am here, and if you wish to hear me speak for myself I will do so. I said: There is no necessity for Mr. Riel telling what I have to say. If you wish to hear me I will speak, and if not, I won't. They said yes. I said, Mr. Riel, I suppose you understand Cree? He said yes. I did not speak French, and I said: I will speak in Cree. I spoke in Cree.

Q. You spoke in Cree and told them what you have said?—A. Yes, and what had occurred. Champagne got up and said I told them Riel was threatening to take my life. I said if you think by taking my life you will benefit your cause you are welcome to do so. He said no, they did not wish anything of that kind. They wanted to redress their grievances in a constitutional way. Riel then got up and said he had a committee meeting of importance going on upstairs, and he went upstairs.

Q. Did he return?—A. I spoke to them for quite a while, and he occasionally came down and put his head down stairs and said I was speaking too loud, that I was annoying their committee meeting. When I said what I had to say, I asked for something to eat, that I was pretty hungry, I got something, and after I got through, there was a lot of blankets in the corner, and I laid down there till Mitchell was ready.

Q. Where was Mitchell at the time?—A. Up stairs. When he got through he came down with the prisoner, and I told him to wait awhile, and we left for Fort Carlton. When he came down, he, Riel, apologised to me for what he had said, that he did not mean it to me personally, that he had the greatest respect for me personally, but that it was my cause he was speaking against and he wished to show he entertained great respect for me, he also apologised in French to the people there, and he said as I was going out that he was very sorry I was against him. That he would be glad to have me with them, and it was not too late for me to join them yet. He also said this was Crozier's last opportunity of averting bloodshed, that unless he surrendered Fort Carlton, an attack would be made at 12 o'clock.

Q. He said if Major Crozier did not surrender, the attack would be made at 12 o'clock that night?—A. Yes.

Q. Was there anything more?—A. That was all I had to do with him then and I then left.

Q. What did you then do?—A. I went to Carlton.

Q. That would have been on the morning of the 21st?—A. Yes.

Q. About what time?—A. One or two in the afternoon of the 21st.

Q. What happened on the way?—A. I met a number of armed people coming into Batoche.

Q. How far from Batoche?—A. About two miles.

Q. You met a number of armed people in sleighs?—A. Yes, in sleighs, Indians and Half-breeds.

Q. Indians from what reserve?—A. I did not recognize the Indians.

Q. How many sleighs full?—A. Five or six I met on the road. I spoke to them, I knew two or three of the men who were there. I asked them what all this was about, they jumped out of the sleighs and shook hands with me, and told me they had been sent for and taken by Albert Monkman who was driving the team.

Q. How many altogether were there?—A. In one sleigh there were five, and, I think, in another there were six. Altogether there must have been 20 or 25.

Q. Were they all armed?—A. I could not say, because they were sitting down. I saw rifles and guns along with them.

Q. You went back to Carlton?—A. Yes.

Q. Did you meet many men on the way?—A. That is all we met on the road. When we got to Duck Lake, there was a trail coming from the east and west, and we saw some sleighs passing there and some sleighs passing along the Lake.

Q. Then when did you get to Duck Lake or to Carlton rather?—A. About four o'clock.

Q. What was your object in returning to Carlton?—A. I was just returning. As I was just going away from the council room, I overtook Emmanuel Champagne, he was walking along the road with Jackson, who was with Riel at that time. I told him to get into the rig and I thanked him for the stand he had taken. I told him if I could be of service to him in any way I would never forget the services he had rendered me. He told me then they had decided to send two men to Major Crozier, but they were afraid of treachery, that they were afraid they would be arrested. I said you need not be afraid I will be one of the party that will come out, and you may tell them they will not be interfered with at all. When we got to Carlton, Mitchell delivered the letter to Major Crozier, and I think it was asking him to meet him half way some time that night, and that Riel did not choose to meet Major Crozier himself, but that he had sent two men.

Q. Did you go as representing Major Crozier?—A. Yes. About an hour after we had reached there, Charles Nolin and Maxime Lepine came up driving in a cutter. We were mounted. We told them what Major Crozier had said, that they should give us the names of the leaders of the movement, and that they would have to answer to the law, but that a great many of them who had been forced into the movement, that they should be dealt leniently with. Nolin said Riel and his council demanded the unconditional surrender of Fort Carlton and nothing else would satisfy them, and if they did so, no harm would be done them, that they would give a safe-conduct home. We said there was no use discussing the matter at all as we said the matter could not be entertained at all, that all we had to say was to advise them to disperse and go home, and that the leaders of the movement would have to be answerable to the law. He then said he had a letter which he was told to hand us, that it would be no use to hand it, as Fort Carlton was not to be surrendered. I thanked them for the stand they had taken when I had been there that morning and I returned to Carlton.

Q. Is that all that passed between you and Capt. Moore, and Nolin and Lepine?—A. Yes.

Q. Then what did you do?—A. We returned to Carlton.

Q. How long did you remain there?—A. I remained there till the 24th.

Q. You had got as far as the 23rd. You gave me an account of your interview in the council chamber—of your trial, you spoke of Garnot; Philippe Garnot, I think, you said?—A. Yes, Philippe Garnot.

Q. What capacity did he act in?—A. As secretary.

Q. Of the council?—A. Yes, taking notes of the evidence.

Q. Which was given against you?—A. Yes.

Q. Well, did any one ask him to act?—A. Riel called for the secretary and then Garnot came forward.

Q. And took his seat at the table?—A. Yes, as secretary of the council.

Q. Now on the 21st you got back to Carlton, how long did you remain there?—A. Till the 24th.

Q. What did you do then?—A. On the night of the 24th, between ten and eleven o'clock, Crozier asked me to go and see if I could hear anything of Major Irvine.

Q. Was he expected?—A. We heard that he left Regina with reinforcements, but nothing had been heard of him.

Q. You heard that he had left Regina?—A. That he was to leave at a certain time.

Q. And nothing had been heard of him up to that time?—A. Yes.

Q. On the 24th Crozier asked you to go and see if you could find anything about him?—A. I started and took the trail to Prince Albert, the wire was tapped about half way between Batoche, to see if anything had been heard of him at Prince Albert, before going any further. When about 23 miles out from Carlton, I met two messengers with a note for Crozier; I opened the note and found that it was a note from inspector Moffatt, stating that he heard he was at the south branch, and that he expected him back that night. I found out that he had reached Prince Albert; I saw him and told him that I was sent by major Crozier. I then returned to Fort Carlton, travelling all night and got into Carlton about four o'clock in the afternoon.

Q. With Col. Irvine?—A. No, I left him. They had made a march that day of about seven miles, and he did not know whether he could make Carlton that day from there.

Q. You returned to Carlton?—A. Yes.

Q. You got there between three and four o'clock?—A. Between four and five.

Q. Having gone out and got tidings of Col. Irvine you returned at that time?—A. Yes.

Q. What did you do next?—A. I overtook a messenger with a note from Col. Irvine to Crozier, saying that he could not leave that day, that he would the next, the 26th. I had been travelling all night and turned in early; after I turned in, I was told that Crozier wanted to send sergeant Stewart with teams, and an escort for the purpose of getting some provisions and flour from the store belonging to Mitchell, at Duck Lake, and that he wanted me to accompany the party, and we were to start at four o'clock the next morning, that would be the 26th. The next morning came and we got up and got ready, sergeant Stewart sent out an advance guard of four men on ahead towards Duck Lake, to see if the road was clear; we followed with the teams and sleighs. I was riding on about a quarter of a mile ahead of the teams looking out. When I got within three or four miles of Duck Lake, I noticed on the road some people lying in the snow, there were

marks, I took them to be Indians. I noticed them communicating the signal by walking backwards and forward; I suspected they were watching the trail. I got to within about a mile and a half of Duck Lake; there is a ridge there a little to the north of the mail station; when I got there I saw some mounted policemen, riding at a full gallop, and immediately after them there were some mounted men, following them; I wheeled around and rode back as hard as I could make my horse go. There was a hill about a quarter of a mile away, I wanted to get to before they came. When I got within sight of the men I threw up my hands and told them to prepare and get their rifles ready. I told them that they were following the Mounted police. I told them to get their rifles, and said not to fire, whatever they do, I can ride out and if they want to fire they can have the first chance at me and you can defend yourselves. They were coming round the bluff, they were pretty close to the men, I saw they would overtake them, I knew they were excited, so I rode out as hard as I could, they then hauled up all but one man who came right on and who never hauled up at all, it was Patrick Flary. I asked them what they were about. They said: What are you about? I said that we were going to Duck Lake, to get Mitchell's provisions. They said there were a great many there. I asked whether they were at Duck Lake, they said yes. They said we had better go back. I turned around and went towards the sleighs, as I was getting near to the sleighs, a party of perhaps 30 or 40 of them very excited, came upon us; they were yelling and flourishing their rifles; they were very excited. Gabriel Dumont was of the party; he was very excited, jumped off his horse and loaded his rifle and cocked it, and came up to me and threatened to blow out my brains, he, and some others threatened to use their rifles; I told them to be quite, that two could play at the game, Dumont talked very wildly, he wanted us to surrender. He said it was my fault that the people were not assisting them, and that I was to blame for all the trouble. I told him that we could not surrender, that I thought we had the best right to this property. Some of them jumped off their horses and went into the sleighs. I rode up and told the teamster to hold on to his horses. They made one or two attempts to snatch the lines, finally he fired his rifle over our heads; they all stepped off the road and we went on the road to Carlton.

Q. Had any of the men got into the sleighs?—A. Two of them went into one sleigh, and they went to a second team to try and get the lines.

Q. Then there was nothing, but the one shot fired?—A. That is all.

Q. You returned to Carlton?—A. Yes.

Q. How many teams had you on that occasion?—A. Seven or eight.

Q. How many policemen?—A. A policeman in each team, sergeant Stewart and some others.

Q. How many altogether?—A. 15 or 16; there were 22 of us altogether, 15 policemen, I think.

Q. You returned to Carlton?—A. Yes.

Q. What time did you get there?—A. About ten o'clock.

Q. In the morning?—A. Yes.

Q. What did you do then?—A. As we returned to go back sergeant Stewart sent a man to report what had taken place.

Q. You had sent in a man in advance to report what had taken place?—A. Yes.

Q. Well?—A. When we got near Carlton, we met an advance guard coming out of Carlton, there were a number of teams, they were coming out of Carlton, and we wheeled around and went out with them.

Q. Who was in command of that party?—A. Major Crozier.

Q. How many were there?—A. 99.

Q. How many constables?—A. 56.

Q. Of the party that first met you the time you turned back you stated there were 30 or 40?—A. Yes.

Q. How many were Indians and how many were Half-breeds?—A. There were some Indians and some Half-breeds, I cannot tell you the proportion at all, I was not paying much attention, I kept my eyes on Jim Owen and one or two others.

Q. You met the advance guard coming out of Carlton, in all there were 99?—A. Yes.

Q. Major Crozier was in command?—A. Yes.

Q. Were there any sleighs?—A. Yes.

Q. How were the men?—A. Some mounted and some in sleighs.

Q. What is the distance from Carlton to Duck Lake?—A. About 14 miles.

Q. Did you join and go back with them?—A. Yes, the whole party.

Q. This would be on the 26th?—A. Yes. We went until we came to a house, about four miles from Duck Lake, when the advance returned and reported that there were some Indians in the house. I believe it was Beardy's house. He was in the house.

Q. Was it upon his reserve?—A. Yes.

Q. Well?—A. The interpreter went over and he came back again. I do not know what occurred between them. We went on and when we got to the same place where I returned back that morning, we saw the advance guard coming over the hill, in the same way as in the morning.

Q. Was the advance retiring?—A. Yes, at the same place as in the morning, and there was a number of men following them.

Q. About how many?—A. I cannot tell you, they were coming over the hill and they were scattered all along the road; there appeared to be quite a number of them. Major Crozier told us to unhitch the horses and make a barricade, and take the horses to the rear, when they came near; within half a mile, they made use of a blanket as a flag.

Q. White blanket?—A. Yes. Crozier went out and called his interpreter, and the two parties came near each other. They began to talk; in the meantime, they were running on the road getting behind us and behind the hills.

Q. They were changing their positions?—A. Yes.

Q. Well, what then?—A. While placing the sleighs, I heard some one calling out that they were firing upon us, and let them have it. I said: Wait till we get hurt. Just then, I turned my head kind of that way and saw Major Crozier lift his hand in the direction the firing was from and he said: Fire now. And the firing began then, and there was quite a skirmish for thirty or forty minutes after that.

Q. How long did it last?—A. Thirty or forty minutes. I did not take time in consideration.

Q. How many were killed on your side?—A. We left ten men upon the field, but one of them was wounded and turned up afterwards.

Q. Who was that?—A. Newett.

Q. The other nine?—A. Were dead. One mounted policeman was killed and several were wounded, two died just after we got to Carlton.

Q. You brought two back with you?—A. One, the others died after we got back to Carlton.

Q. What time did you get back to Carlton?—A. It must have been about four o'clock in the afternoon.

Q. How many were killed on the other side, you did not know at the time?—A. No.

Q. During the engagement, how many men would you judge to be engaged upon the other side?—A. We could not see them. I cannot tell that; some were in the house, some were behind the hills. There were two sleighs with two Indians in each behind us, and one Indian who was mounted; that was the Indian that was talking to Major Crozier; he was killed when the firing began.

Q. Would your observations enable you to say how many were engaged upon the other side?—A. The road seemed to be pretty well covered with them.

Q. Can you form any idea as to the number?—A. The road was straight and they seemed to cover a greater space than we covered, but I cannot say as to the number; they seemed to cover a greater space than we did.

Q. You cannot say the proportions of Indians and Half-breeds?—A. I cannot say. I saw five Indians, these Indians got behind us, one of them was killed.

Q. You did not recognize any of the people that were there?—A. I did not recognize any person.

Q.—You returned to Carlton and got there about four o'clock.—A. Yes.

Q. What did you do then?—A. They were some time attending the wounded, Col. Irvine got in about an hour after we got in and I think it was that afternoon or the next morning that he decided to leave Carlton and go down to Prince Albert.

Q. Did you go with him?—A. Yes.

Q. Was Carlton burned?—A. Yes, I believe it took fire accidentally and part of it was burned then.

Q. He decided to evacuate Carlton with his forces?—A. Yes.

Q. And retired on Prince Albert?—A. Yes.

Q. What distance is that?—A. 46 or 50 miles.

Q. Did you go with him to Prince Albert?—A. Yes.

Q. What day was that?—A. We left on the morning of the 28th, about one or two o'clock, and we got down that evening.

Q. You remained at Prince Albert during the rest of the rebellion?—A. Yes.

Q. You have told me all you know about it?—A. Yes, there may be something that I have omitted. When Mitchell introduced me to the prisoner, he asked Mitchell whether I came of my own accord or whether I came with him. When he heard I came with him, he said I was entitled to the same protection as he was, but if I came of my own accord, he would look after me, or something of that kind. The prisoner said I was entitled to the same protection as he was.

Q. Is there anything else that you remember?—A. No, I cannot remember every thing that took place. I do not remember anything else.

By Mr. GREENSHIELDS.

Q. The first time that you met the prisoner was in the council chamber?—A. Yes.

Q. And before that you never saw him?—A. No.

Q. Nor did you see him after that till in court?—A. I saw him in court, when he was first brought into court.

Q. You had no conversation nor did you see him from that time till his surrender to General Middleton?—A. No.

Q. You never had any personal quarrel or trouble with him before?—A. No, I never had any communication with him.

Q. Did he appear excited when you were introduced by Mitchell?—A. No, not at the time. A while after he became excited.

Q. How long after was it till he got excited?—A. I cannot tell.

Q. Five or ten minutes?—A. Perhaps a quarter of an hour.

Q. During that interval you were talking with him all the time?—A. He went away for a little while, and then he came back again. He went upstairs and came back again.

Q. Tell us what he said when you were first introduced and shook hands with him. Did he speak first or did you?—A. I spoke first. I told him that we would shake hands or something to that effect, and he said yes.

Q. Now, what did you first begin to talk with him about?—A. I told him, I said: There appears to be great excitement here. He said no excitement at all, everything was quiet, or something like that.

Q. You said something about his having spoken about wanting to get their grievances redressed?—A. Yes. I think I said there seemed to be a number of men armed and he said that they had been asking for their rights for fifteen years, and they had not been granted, and they had decided to make a demonstration.

Q. Did you have any conversation as to what the rights were?—A. No, I had not with him.

Q. Whom did you talk about it with?—A. The rest of the people that were in.

Q. That is the council?—A. Yes.

Q. What was their statement to you regarding their rights?—A. They did not seem to know—that they were entitled to scrip and never got it.

Q. Did they speak of having made any petition to the Government for their rights?—A. Yes. We discussed the matter, I had taken part myself in the petition that we sent forward, and knew more about it than they did. It came out in this way, Gabriel Dumont said that I had taken no interest in the matter before; that I never advised them; that it was only now, when matters had gone so far, that I advised them in the matter.

Q. That was reproaching you because you had been instrumental in getting the rights of the Half-breeds—the English Half-breeds?—A. We were entitled to scrip, but we never got it yet.

Q. Have you got it since?—A. No.

Q. There is a commission sitting now?—A. Yes.

Q. Riel said that the only answer they got to every petition was an increase of police?—A. No.

Q. What was on the table when you went into the council chamber?—A. Some tin dishes and some spoons, some fried-bacon and some bannocks.

Q. Any blood in the dishes?—A. No. I did not see any.

Q. Will you swear that there was not? Will you swear that some of them were not eating cooked blood at the time?—A. Not that I saw.

Q. How long after the conversation with him did he use the words "he wanted blood"?—A. He left me and came back again, it was then he said it.

Q. Was he in a very excited state of mind when he talked about blood?—A. He became very excited. I told him that I did not think that he had adopted a wise way to redress their grievances.

Q. In what position was he at that time?—A. Standing striking the table.

Q. What did the prisoner say to you when Mitchell stated you were entitled to the same protection as Mitchell was?—A. It was Riel said that, not Mitchell.

Q. Didn't he say you were at liberty to return?—A. He said I was entitled to the same protection as Mitchell.

Q. You did not go as you pleased?—A. Yes, I did.

Q. Was that before or after the conversation about the blood took place; was it before Riel had told you he wanted blood and that you were free to go?—A. It was before I had any conversation with him at all.

Q. The first thing he did on being introduced to you was to assure you that you were at liberty?—A. Yes.

Q. You had no fear but that you were at perfect liberty to return?—A. It did not make any difference to me.

Q. After telling you that you were at perfect liberty he spoke to you of his desire for blood?—A. Yes, certainly.

Q. Did you have any other conversation with him that day?—A. He said what I said at the time he went upstairs. He went up, and he would occasionally put his head through and say that I was speaking too loud. After he came down he apologized, and said he had great respect for me personally, but it was my cause.

Q. On the whole he treated you civilly?—A. No; he made use of language to me that was never before used to me.

Q. Did he have any conversation with you as to the object of the rebellion?—A. He said they wanted their rights.

Q. Did he tell you anything about the administration of the North-West Territories?—A. No.

Q. About a new Church?—A. No.

Q. No conversation about either of these matters?—A. No.

Q. When he called for blood was it after he went down?—A. He went away and came back and called for blood.

Q. And then he went upstairs?—A. Yes.

Q. When he came down the next time he apologized for the language used?—A. Yes.

Q. Shortly after that you went away?—Yes.

HIS HONOR.—Any juror that desires to ask the witness any question is at liberty to do so.

JOHN W. ASTLEY, sworn, examined by Mr. Burbridge.

Q. You reside at Prince Albert?—A. Yes.

Q. How long have you resided there?—A. About three years.

Q. What is your occupation?—A. Civil Engineer, Land Surveyor and Explorer.

Q. In March last you were employed by Major Crozier?—A. I left with volunteers to go to Carlton.

Q. How were you employed?—A. As volunteer, and then I was used as a scout.

Q. What time in March?—A. About the 18th March.

Q. How long were you a scout?—A. I was scouting through the French settle-

ments, the Half-breed settlements and the reserve till two o'clock on the morning of the 26th.

Q. Were you alone?—A. Part of the time. Part of the time H. Ross was with me.

Q. You posted a proclamation?—A. Yes, I posted a proclamation from Crozier, telling those who had been forced into rebellion that if they gave themselves into the charge of the police they would be protected. I posted those as far as Lepine's and back by the other road, in the most conspicuous places where I thought there would be a chance of their being seen, one in English and the other in French. I noticed in passing the road afterwards that these notices were nearly all torn down. I went over the road on the morning of the 26th, to see if the French Half-breeds were trying to intercept Major Crozier. Ross was with me. We were about the place where the battle took place. I was about thirty or forty yards on ahead of Ross, and an Indian suddenly jumped alongside of me and pointed his rifle or shot gun at my breast. I turned around to see if my partner was prisoner too. I saw that he was, and that there was some sixteen or twenty of them all armed, and, as he was captured first, I thought it was best to give up quietly.

Q. Who appeared to be the leader of the party?—A. Gabriel Dumont. There were about 16 or 20 of them, part Half-breeds and part Indians. We were taken to Duck Lake and put in the Telegraph office till the morning, and an armed guard was placed outside the building that night. Albert Monkman seemed to be in charge of Duck Lake at that time.

Q. How many men would be at Duck Lake at that time?—A. 80 or 100, that is, taking into consideration those who were acting as outside guard. In the morning we were removed upstairs, in what had been Mitchell's house.

Q. During that day did any more come in?—A. After we were placed upstairs, about noon or shortly before, a lot of Half-breeds and some Indians came from Batoche with the prisoner in command, that would be some time about noon.

Q. The accused was in command, how did you come to that conclusion?—A. That morning he interviewed me and Ross, and talked to us; he brought Bourget with him, he seemed to have control and asked the questions. I was down stairs afterwards for a few minutes, and I saw the prisoner beckoning to the men to fall in line, and they fell in line.

Q. He was giving commands?—A. Yes.

Q. After they were reinforced how many men had they altogether?—A. I should say about 400, taking both Indians and Half-breeds.

Q. How many Indians?—A. About 150 Indians altogether.

Q. Did you see any of the prisoners on the 26th?—A. Lash, Tompkins, Simpson, McKean and Woodcock were brought up into the same room. We heard some report of Mackay having come near the building, and being ordered back by Dumont. In the afternoon, looking towards the west, we noticed them running towards Carlton. Shortly after that, all that were there, except what I would call a fair sized guard, who remained around the building, went in the same direction. Shortly after the prisoners heard firing, I myself did not hear it, I heard the sound of a cannon, that is all I can swear to. In about an hour or an hour and a-half, they returned bringing a wounded prisoner, Newett, with them; he was shot through the leg and hammered on the head with a musket or something. I dressed his wound, and the prisoner came upstairs and talked to us about the battle. He said that ourselves as prisoners might have been sent into his hands to show future people in what way he had conducted the war, pointing to the wounded prisoner and saying that he used that man humanely. He said the volunteers and the police fired first. I told him that from what I knew of Major Crozier, he did not intend to fire first, that he had told me so. I suggested that perhaps a gun had gone off by

accident, and the prisoner admitted that that was perhaps so, but that one shot caused the start. He called on his men in the name of God or the Supreme Being; "I say unto you fire," and he explained that the troops were beaten by the bravery of his own soldiers.

Q. At this time were the stores looted?—A. They were not looted when we went there, but before we left they were cleared out.

Q. You were taken to Carlton on what day?—A. On the 31st of March we left Duck Lake for Carlton. When we got out in the yard Riel was there in person; some were getting into sleighs, when he told us to march.

Q. Who was in command of the party that took you?—A. Monkman. When we got to Carlton, we remained there till the 3rd of April, we were then moved to Batoche.

Q. Who was in command in taking you to Batoche?—A. André Jobin. In Batoche we were placed in a room on the lower floor of the store, afterwards we were put on the upper flat of the same store. Soon after I sent a communication to Riel in reference to Ross and the other prisoners, seeing what I could do towards getting an exchange. Riel came upstairs and told me he could not see things in the same light, but that he would exchange us for Clark, Sproat and McKay.

Q. The Hon. Lawrence Clark?—A. Yes; I said that could not be done.

Q. How were you treated as a prisoner?—A. In the early part well, as well as men could be under the situation, but after that, when we were taken down into the cellar, we could not have been treated worse.

Q. Did they take extra precaution at the time of Fish Creek?—A. There was always a home guard left around the buildings. Just after the Fish Creek fight, the Indians came back earlier, and alarmed me as regarded the safety of the prisoners. I thought as long as the Half-breeds were there, the Indians could not get at us, but if the home guards were taken away, when the Indians came back earlier, they might massacre the prisoners. After the Fish Creek fight, I wrote to Riel asking him for an interview, that would be about the 26th of April; had a long talk with him about the prisoners, I told him about the fears I entertained about the Indians, and asked him if he would allow me to see the General or Irvine, to try and effect an exchange. He refused to exchange.

Q. What did you say to him?—A. I said: What do you want to keep us for? I said: I suppose you wish that if you or your council get into danger, you will want the prisoners for that purpose. Riel said: Yes, certainly. I said to him to allow me to go and see either Irvine or the General about getting an exchange. I said: You claim a victory at Fish Creek and Duck Lake. And I said: Let me go and try for terms. He said that he had gained two victories. I asked him if he would not allow me to do that. He said: We must have another battle, and he said: If we gain another battle, the terms will be better. And he said: If we lose it, the terms will be the same as now. He said that after another battle, he would allow me to go. From that day, I was waiting, expecting that another battle would occur. On the last day, that would be the 12th of May, he came to the cellar and called my name in a hurry, and as I was getting out, he told the rest of the prisoners that he was sending me to the General with that message. I think the paper is there.

Q. Is that the paper?—A. Yes, that is the message I carried out that morning (Paper shown to witness.)

Q. Did you see the prisoner right after that?—A. Yes, right, at the council chamber at Batoche. At the same time that he wrote another message for Jackson to take, I took the message to the General, I also saw him write that one for Jackson.

Q. Is that it (shown witness)?—A. Yes, that is the one that Jackson carried.

Q. He gave that to Jackson the same time he gave you yours?—A. Yes, at the same

time; one of us was supposed to go one way and the other the other way. I rode to the general with that on horseback, the prisoner went with me until he passed me through his own lines, I went out, reached the general and give him the note; he read the note and took a few minutes to consider. I asked him to write a note to Riel. He wrote that note and I took it back to Riel. I think that note is among the papers there. Instead of allowing me to go back into the cellar the prisoner made me go into the church, and he put an english-speaking Half-breed and an Indian to guard the church. In about half an hour or so Riel called for me again and I went with him among the women and the children. He wrote several notes, but none of them seemed to please him and he tore them up, except one which seemed to suit him. I sat talking with him till he had finished writing and then I began to ask him whether it would not be better to let me see and try what terms I could get. I said that he could come with me and see the General. After talking a long time he left me and came back in a short time with Gabriel Dumont, but as I do not talk French I had to let the prisoner explain to Gabriel what we were talking about. Finally he said there was a great deal to consider, it would then be about one o'clock; about half past one o'clock he had nearly agreed to what I proposed he should do. The firing then began and he at once turned to and asked me what that meant. I told him that some of the Indians must have started it; I told him if he would write a note to the General, thanking him and say nothing about fighting, but leave it to me, I would get the firing stopped if possible, anyway I would see what could be done. He then wrote a note and asked me to take it. I asked him to pass me through the lines.

Q. Is that the note (shown witness)?—A. That is the note just as an excuse for me to get the firing stopped.

Q. That is the note?—A. Yes, he wrote that in a tent or in the council chamber and gave it to me; he went part of the way with me through his lines, in the position outside his own rifle pits, the firing was pretty heavy. Riel went down into a low place till I overtook him, he was on horseback. Some of his men had left the rifle pits and gone to where he was. When I came up to him, Riel asked for the note and put it into an envelope.

Q. Is that the envelope?—A. Yes.

Q. Are those words the words he wrote upon the envelope?—A. Yes, he took the note out of my hands and wrote those words on the outside in my presence. He ordered the men who had left the rifle pits to go back again and they went back along with me; I continued on, went to the General and gave him the note. I did not call his attention to the memorandum on the outside of the note till night time. I asked him how the fire began and he said that the Sioux started it, but that if Riel would get his men to stop firing that he would order his men to remain where they were and they would not advance any further. There was not time to write a letter and I went back and it took a long time to find Riel; I went among the women and the children and I found him. The firing was getting warm. I told him what the General had said, that if he would order his men to stop the firing he would do the same and that he could come with me personally to the General. He hesitated for a time. At last I said: There are not many minutes to waste if you want to call the council together, call them and let me address them. At last the prisoner said: "It is not necessary to call the council." He said he would do as I wished. I said you acknowledge you have the power to do as I wish without the council. He said yes. I said for him to give the order to stop firing. He said: You know the men I have; I cannot go among these men and tell them to stop firing. He said: You know that. I told him I would go back and explain how every thing stood, and see if it was possible for the General to stop his men at a certain position if he was willing to do as I wished he was.

Q. That is willing to surrender?—A. Yes, I went back and told the General what he said. He said that he could not accept it as a surrender, unless Riel ceased firing. I knew he could not get his men to cease firing. I went back to try and keep the troops from getting at the women and children. I got the General to send a note to Riel offer-

ing the same terms as I had offered, that is that he should be kept safe till he had a fair trial.

Q. Did he speak to you of his personal safety?—A. He had very little to say about the Half-breeds, as far as regards himself seemed the principal object.

Q. What did he ask you in regard to himself?—A. If I would explain what risk he ran personally himself. He said to me that we knew that he never carried a rifle, of course at the same time we had seen him carry a rifle on one occasion. I told him he ran no danger as I could look at it. He suggested that I should broach the subject of the Church to the General, and it would give him a chance to broach the subject when he came to be interviewed by the General. He would say that he was not to blame, that the council was to blame.

Q. During the time that you saw the prisoner there did you see him in command?—A. He ordered the men into the pits on that occasion when some of them were leaving them. He took one Half-breed and made him go back saying that he would be able to do some fighting with the troops at all events.

Q. When did you see him armed?—A. Some time before the Fish Creek fight, it must have been about a week before. I was talking to Riel before the council chamber one day, when a french Half-breed came up with the report that the troops were coming. Shortly after, myself and the rest of the prisoners saw him as he passed the front of the house quickly with the Half-breeds going towards the river armed.

Q. During the eight days you were in the cellar were you bound at any time?—A. They used to tie us up about supper time and leave us that way till next morning, that was for the last eight days. Delorme came down and threatened to shoot us if we were loose when he returned. They used to tie our hands behind our backs and release us in the morning again.

Q. It is suggested to ask you if, when you were released on the 12th, anything was said to the prisoners?—A. He told the other prisoners the message I took to the General, that if the women and children were hurt or were wounded by the troops he would massacre the prisoners, or words to that effect, just the same as was in the note.

By Mr. JOHNSTON.

Q. Was the 26th of March, the first occasion on which you saw the prisoner?—A. No, I saw him in the settlement since last summer off and on, but not to know him as I know him now.

Q. How often did you see him from that time?—A. Perhaps ten or twelve times.

Q. Where did you see him?—A. At the Batoche settlement, Prince Albert and different parts of the Prince Albert District.

Q. Were you present at any of the meetings?—A. I never attended any. I was at Prince Albert meeting a few minutes, but I took no interest in it at all.

Q. A few minutes at Prince Albert?—A. Yes, just walked into the hall and saw the prisoner at the end of the hall.

Q. When did you commence to take an interest in him?—A. When I went to Carlton as a volunteer and when I undertook scouting.

Q. You went up from Prince Albert with the volunteers, how long did you remain at Carlton?—A. About a day, and then I went through the settlement.

Q. When you left Carlton, where did you go?—A. Past the Indian Reserve, Duck Lake, and through the principal part of the French Half-breed settlement. I didn't go quite to Batoche.

Q. You returned when?—A. Some times at night and some times in the day time.

Q. Did you see the prisoner at Batoche?—A. Till the 26th I did not go to Batoche.

Q. Now you were prisoner, who took you prisoner?—A. Sixteen or twenty Half-breeds took me. Gabriel Dumont was in charge of the scouting party.

Q. How long were you prisoner before you saw Riel and his men?—A. From two o'clock that morning till about noon the same day; that is, when he came in person from Batoche.

Q. How long was he at Duck Lake before you saw him?—A. I saw him coming in the yard.

Q. Was he the first man that came into the yard?—A. You could not see the yard, he was the first man I noticed. I knew him by sight.

Q. Were there others besides him?—A. Yes.

Q. Was he mixed with the others?—A. No, he was more advanced than the others he was by himself.

Q. How was he dressed?—A. Large check common looking trousers as well as I remember, about the same kind of tweed he wore most of the time. Riel was never very particular about his dress.

Q. How long was he there before he came to interview you and the other prisoners?—A. I would say it might be perhaps half an hour.

Q. Did he come to see you or did he send for you?—A. He came to see Ross and myself.

Q. To whom did he address himself first?—I do not know, I may have been the spokesman.

Q. What did you say to him?—A. I did not tell him exactly what I was there for. I gave him another story.

Q. What was the story?—A. That I was travelling through the country making inquiries if the outfit was stopped at his headquarters.

Q. What was your object in telling that?—A. To get away from that place.

Q. Was the prisoner excited at that time?—A. Not that I could see, he talked reasonably, as rather a clever man.

Q. What did he say? How long were you engaged in conversation with him at that time?—A. Just while I explained him.

Q. Did he tell you afterwards he had found out you were not telling the truth?—A. I don't think he found it out for five weeks.

Q. Did he say anything about the Church and State at that time?—A. Not at that time.

Q. Did he talk about the rebellion? What did he say? That was the last you saw of him till you returned from Duck Lake?—A. No, after the battle was over he came up and saw us.

Q. Did he say that he was at that battle?—A. Yes, that he had ordered the men to fire.

Q. He said that Crozier fired the first shot?—A. He said that the volunteers or the policemen fired the first shot. I said that I knew that Crozier would not fire the first shot, that perhaps one went off by accident. Then he admitted that it might be so. He laid no stress on the first shot being fired.

Q. How long did you talk with him at that time?—A. Quite a long time.

Q. How long?—A. I could not say as to the time at all.

Q. How long did you converse with him?—A. He talked to us prisoners.

Q. How many of you?—A. Myself, Lash, the two Tomkins, Ross, McKean and Woodcock.

Q. Were the wounded prisoners with you at this time?—A. Charlie Newett. I dressed his wounds. The prisoner asked him some questions.

Q. What did he ask him?—A. He asked him whether he knew the Hon. Lawrence Clark was among the volunteers, that was the principal thing.

Q. Did he give directions how the wounded man was to be treated?—A. He left that in my hands. He hoped and expected I would do the best I could for the wounded prisoners.

Q. You say you were speaking to him a considerable time, did he at this time strike you as being excited or excitable, or was he calm?—A. He was cool enough, a little elated at his victory.

Q. Did he speak of dividing the Territories?—A. He mentioned about the Half-breeds making certain claims and told us that we had no business in that part of the country, that we belonged to Canada, and that this country belonged to the Indians and Half-breeds. I did not take much interest in what he was saying, as I was dressing the wounded prisoner.

Q. Did you hear him talking of defeating the Government that time?—A. Not as far as defeating the Government is concerned.

Q. What did he say about it?—A. He told us what the ordinary claims were, and said that we might have been sent to show how he conducted the war.

Q. Do you know, did he say anything about saving the life of this wounded man?—A. He said that he himself had stopped an Indian from killing that man. I told him that was the effect of raising the Indians and that was the way the Indians fought, to kill a man when he was wounded.

Q. When had you a conversation with him again?—A. The next day I was downstairs a short time, and I met him and had a talk with him about the Indians. I told him it was a bad thing to have anything to do with the Indians. He said that he could not help it, that he was compelled to use Indians. I told him that he was aware that he could not control the Indians.

Q. Who was present at that conversation?—A. I was by myself just coming out of the door.

Q. Were there any others around?—A. Some Half-breeds were stationed as guards, they were armed.

Q. During that occasion, or on any occasion, did he speak of the Church or of the Dominion of Canada?—A. No, nothing of any importance, except at Batoche.

Q. What did he say at Batoche about his Church?—A. He said he wanted me to mention to the General that he was to be recognized as the founder of the new Church, and that if the subject was mentioned to the General he could continue the subject when he met him.

Q. What did you understand by founding a new Church?—A. I understood it as a sharp trick to get the upper-hand of the unfortunate Half-breeds.

Q. Did you understand that before?—A. I looked upon it in that light.

Q. Were there other Half-breeds listening to this conversation at Batoche?—A. Lots of them were standing around, but only an odd one could talk English. He spoke in English to me.

Q. Why did you think it was to get the advantage of the Half-breeds?—A. I considered that he was using them for his own end.

Q. Did you consider his actions eccentric?—A. He seemed intelligent, and in many ways a clever man.

Q. What did you say to General Middleton about this man?—A. I told the General exactly what I knew about the matter.

Q. Did you tell the General that you had considerable influence over Riel, and that he was a simple-minded man?—A. No.

Q. You have had considerable to do with the working up of evidence against Riel.—A. Not that I am aware of.

Q. Have you been engaged in that line for the last month?—A. Not working up evidence.

Q. Working up the case?—A. No, I am here as a simple witness. I am not more than the others.

Q. Have you given instructions to the Crown about this prosecution?—A. Not in any other light. I gave no instructions, it would be rather strange if they received instructions from me.

Q. Had you anything to do with preparing of the papers or giving information?—A. Not in preparing the papers, I have only given my own information.

Q. Did Riel appear to have been engaged in this fight, or was he afraid to fight?—A. As far as I could see he was too much afraid to run his neck into unnecessary danger.

Q. You were not alarmed that you would receive injury at the hands of Riel or the Half-breeds?—A. At the hands of the Indians.

Q. Not injury from Riel?—A. Not as far as the Half-breeds were concerned. I knew Riel's object in keeping us. He admitted himself that that was his object.

Q. How many interviews had you with General Middleton altogether?—A. One in the morning, one a little after the fire began and one after. I could not get back.

Q. How many altogether?—A. Three.

Q. During that time you had made arrangements as to the surrender of Riel to General Middleton?—A. He said he would do as I wished, but I could not get that, because by that time the charge had begun and Riel was gone.

Q. What reason can you give for Riel's willingness to surrender himself?—A. I told him what a kind man the General was, and he thought from the words of the note that what I said was true.

HAROLD ROSS sworn, examined by Mr. Scott:

Q. Where do you live, Mr. Ross?—A. At Prince Albert.

Q. What is your occupation?—A. I am Deputy Sheriff.

Q. Where were you on the 20th of March last?—A. I was at Carlton.

Q. In what capacity?—A. I went up as a volunteer under Captain Moore.

Q. When did you go there, on the 20th?—A. On the 18th, I think.

Q. On the 18th of March you went there?—A. Yes.

Q. Do you remember the 20th of March? Were you doing anything on that day in your capacity of volunteer?—A. Nothing; nothing particular at all.

Q. What duty were you engaged in after you went to Carlton?—A. Chiefly volunteer.

Q. What description of duty?—A. Just staying there, waiting for an attack on Carlton.

Q. How long did you stay there?—A. I was there, we went there on Thursday, and I was there until the 21st. The 21st would be on Sunday—on the 21st.

Q. What did you do at Carlton?—A. I saw Major Crozier, and he asked me if I would go to Stoney Lake, between three and five miles from Carlton, and see certain English and Scotch Half-breeds there, and ask them to come into the Fort.

Q. Did you go?—A. I went and they came in with me.

Q. When did you come in?—A. We came in the same evening or about, I suppose, six o'clock that night.

Q. Were you out after that again?—A. On the following Monday morning I left with Mr. Astley. I went out scouting on Monday.

Q. Monday, the 22nd?—A. Yes. We went to Duck Lake, and from Duck Lake we went to the St. Laurent church mission.

Q. When did you go back to Carlton?—A. Tuesday night, about eleven o'clock.

Q. On the 23rd?—Yes, the 23rd, and on Wednesday, I stayed there all day, and about eleven o'clock in the evening, half past ten or eleven, Mr. Astley said that Major Crozier wanted us to go out and see if the Half-breeds would intercept Col. Irvine on the route from Regina to Carlton, and we went out.

Q. About what time?—A. Between half past ten and eleven, as near as I can judge.

Q. On Wednesday night?—A. On Wednesday night, yes.

Q. How far did you go?—A. Well, somewhere near where the battle of Duck Lake was fought, and about a mile or so between Duck Lake and Carlton, close to Duck Lake.

Q. Did anything happen there?—A. We were taken prisoners by Gabriel Dumont and between sixty and one hundred men.

Q. Did you know any of those beside Gabriel Dumont?—A. No, I could not recognize any.

Q. Will you describe how you were taken prisoner?—A. I heard a sort of noise behind me. The horse at first drew my attention to it by picking up his ears, and a sort of stopping, and I turned around and saw a body of men behind me, and I called Mr. Astley's attention to it, and I wheeled my horse around and I was surrounded by Half-breeds and Indians. And he told me to dismount. Gabriel Dumont came to me and recognized me, and said how are you a scout, and he told me to dismount, that I was his prisoner, and I refused to dismount, and they pulled me off the horse.

Q. Were they armed?—A. They were all armed, every one of them. Gabriel Dumont then felt my revolver, he felt it under my coat, he got quite excited and he went to take it away from me, and I drew the revolver out myself, and he held it, (witness showing how it was held holding his right hand to his stomach) and I was covered by an Indian on my right with a gun, and there were two more behind me.

Q. Guns were pointed at you?—A. Guns were pointed at me, and Mr. Astley called on me not to shoot, better hand over the revolver.

Q. And did you surrender?—A. I did.

Q. And what was done with you?—A. We were taken to Duck Lake and put into the telegraph station.

Q. What was the aspect of Duck Lake, at this time?—A. Full of armed men, all around the post. Guards all around the post. Wherever we were, in front of the building on the road, all around the building where we were imprisoned.

Q. Where were you put?—A. In the telegraph office.

Q. What kind of a building is that?—A. A very small building.

Q. How many stories?—A. A small little building, as large as an ordinary porch.

Q. How many stories?—A. One.

Q. Was there any body else in there, besides you and Astley?—A. No.

Q. I suppose Astley was taken with you?—A. Yes, only the two of us.

Q. How long were you kept there?—A. Till about nine o'clock the next morning, as near as I can judge.

Q. Did anything occur next morning?—A. No, nothing particular.

Q. How long did you continue alone there?—With Mr. Astley?

Q. Yes?—A. Well, we were there until we were removed to Mitchell's house, up stairs.

Q. And when was that?—A. That same morning, about nine o'clock.

Q. This was on the 26th?—A. On the 26th. We were there until the rest of the prisoners came over from Batoche.

Q. And what time was that?—A. They came somewhere about noon.

Q. This was in the upper story of Mitchell's house?—A. Of Mitchell's house.

Q. And the other prisoners were sent up there too?—A. They were sent up with us.

Q. Did you see any people about that morning?—A. Outside?

Q. Yes?—A. The square was full of armed men all the time.

Q. Was there a larger crowd there when the prisoners were brought in than there was in the forenoon before?—A. Yes, there was a good many came over with the other prisoners.

Q. How many armed men did you see there altogether?—A. I should say there would be between 300 and 350 men, as near as I could judge. I did not count them.

Q. Of what nationality?—A. French Half-breeds and Indians.

Q. What proportion would be Indians?—A. I should say near 100, between 75 and 100.

Q. Did anything occur that afternoon?—A. That afternoon the battle of Duck Lake took place.

Q. How do you know?—A. We could hear the shots.

Q. About what time?—A. About half past three or four in the afternoon I should say.

Q. Did you see any of the men armed going?—A. I saw them all going, I saw about 300 going.

Q. In the direction of the battle-field?—A. Yes, the first intimation I had that the battle was taking place was Albert Monkman coming upstairs where we were, and we asked him what was the matter, and he said there was a little fight going on, at that time they were all going then.

Q. All this armed force you had seen were hurrying in that direction?—A. Hurrying in that direction.

Q. Did you hear any shooting and firing before going in Mitchell's?—A. No, after that we heard rifle shots.

Q. Anything else?—A. No, nothing else, I did not hear the cannon, they had a cannon there. I did not hear the gun.

Q. What occurred that afternoon, after you heard the firing?—A. Well, after we heard the firing, about half an hour afterwards, they came back, some of them came back, some of the men came upstairs, one Fiddler in particular.

Q. Did you see the prisoner Riel that afternoon?—A. Yes, I saw Mr. Riel that afternoon.

Q. Where?—A. He came upstairs.

Q. When? After the firing or before?—He came up before the firing and he spoke to me upstairs.

Q. What did he say?—A. He called me by my name and asked me how I was. Spoke to me and said I need not be afraid, that I would not suffer at his hands, something to that effect. I forget the exact words that he said now, but then after the fight he came up.

Q. And what did he say then?—A. The first thing he said was something about Newett, one of the men that was brought in as prisoner.

Q. What did he say about that?—A. He said he thought he would be better with us than with anybody else. We were his friends and we could look after him better than anybody else, and he put him upstairs and then he and Mr. Astley were speaking something about the battle.

Q. Did you hear the conversation between them?—A. I heard the conversation.

Q. What was it?—A. Mr. Riel said the troops fired first, and Mr. Astley suggested that perhaps the shot went off by accident, and Mr. Riel said—well he did not agree with him for some time afterwards—he said perhaps that was the way.

Q. Did he say anything else?—A. And he said: When I heard the shot I called on my men in the name of God to fire. And he seemed quite proud of it.

Q. Did he say so?—A. No, judging from his actions, that is all.

Q. How long did you remain in the upper story of Mitchell's store?—A. Until the 31st. On the morning of the 31st we were sent to Carlton.

Q. By whom?—A. By Mr. Riel himself. We came out in sleighs. He said we were going to Carlton.

Q. How did you go to Carlton?—A. In sleighs.

Q. Did you go alone?—A. No, seven of us altogether.

Q. Seven persons?—A. Yes.

Q. Anybody besides the prisoner?—A. The Indian and Half-breed guards.

Q. You were taken under guard to Carlton?—A. Yes, under guard.

Q. How long did you remain at Carlton?—A. Until the 3rd of April.

Q. Who was in command at Carlton?—A. Albert Monkman.

Q. Were there many men there?—A. About 150 to 200.

Q. Armed?—A. All armed.

Q. You were kept there until what day did you say?—A. Until April 3rd.

Q. What was done with you then?—A. We were then ordered from Carlton. We were called up about two o'clock in the morning.

Q. Ordered up where?—A. For Batoche. We were called up about two o'clock in the morning, and we started for Batoche, and when we were leaving, the buildings were set on fire.

Q. Then the Fort was deserted at the time you left?—A. Yes, they deserted the Fort.

Q. And they marched to Batoche?—A. Yes.

Q. What was done with you when you reached Batoche?—A. We were put in the lower flat of a house owned by Baptiste Boyer for that day, and we were put upstairs on the second flat.

Q. And how long did you remain there?—A. We were there till the end of the campaign. That was our prison at the time of peace, and, if there was any excitement, we were shoved into the cellar of an adjoining building.

Q. How many times were you put down into the cellar?—A. Three or four times.

Q. Do you remember how long you were there the last time?—A. About ten days.

Q. Continuously?—A. Yes.

Q. In the cellar?—A. In the cellar.

Q. How many prisoners were there in the cellar?—A. Seven.

Q. What was the size of the place?—A. About sixteen feet square and nine feet deep.

Q. Any other precautions taken to prevent you escaping besides putting you in the cellar?—A. Always a guard upstairs, and the trap was very well secured, so there was no chance of us escaping by knocking the trap up.

Q. Anything else? Were you shackled?—A. We were tied every night with our hands behind us.

Q. When did you first see the prisoner after you were taken to Batoche?—A. I saw him at different times. I saw him every day nearly.

Q. What was he doing?—A. He would be out addressing the men, talking to them.

Q. Could you say what was said to them?—A. No, it was in French, I don't understand French, apparently giving orders.

Q. You don't know?—A. I could not say what.

Q. Did he ever visit you during the time you were confined there?—A. He came, I think it was two or three times. I am not sure as to the number of visits. Once particularly he came and I asked him for a little exercise, and he said he would see about it. He did not come back for some days, perhaps two days after that, and I heard him talking outside and I went out, and he said that, under the circumstances, he could not allow us to go out at all; that we would have to stay in.

Q. Was that all the conversation you had with him?—A. Yes, that is about all.

Q. When did you last see him?—A. I saw him.....

Q. That is at Batoche?—A. About eleven o'clock on the 12th, or a little earlier than that. It was at the time they called Mr. Astley, on the 12th of May, the day of the Charge.

Q. Did he say anything to you that day?—A. He came and opened the hatch in the cellar and called Mr. Astley. Mr. Astley, he said, come up and stop the troops advancing, for if they hurt any of our families we will massacre all the prisoners in the cellar.

Q. That is what he said?—A. That is what he said.

Q. Do you remember having any conversation with the prisoner after the Fish Creek battle?—A. After the Fish Creek battle, I remember Riel one time—I cannot tell the day or date—saying that they had gained two victories and they wanted to gain a third, and they could make better terms with the Government.

Q. That was after the Fish Creek fight?—A. Yes; after the 24th of April.

Q. Where were you confined at this time, in the cellar or in the building?—A. We were taken out of the cellar and we were in the building.

Q. This was during one of his visits to you?—A. Yes, during one of his visits.

Q. Was the building in which you were confined attacked, or the building above the cellar in which you were confined? Did they attack it at any time?—A. No, not at all.

Q. Do you remember the shell?—A. That was done by the troops. I think it was the eleventh of May there was a shell went through the building.

Q. Did you see Riel shortly after that?—A. I did not see him. He came to the cellar—the hatch—and asked me if we were safe, all safe. I knew his voice, and we said we were, and he said: I am glad to hear it. And he went out of the building and came back again. We could hear him walking along the floor, and he said: I forgot to tell you you had better call on God, for you are in his hands.

Q. Was that all he said?—A. That is all he said.

By Mr. Fitzpatrick:

Q. Mr. Riel was not with the party that arrested you, was he?—A. He was not.

Q. The first time you saw Mr. Riel was after you were put in Mitchell's house, was it not?—A. I had seen him a year before that.

Q. On the occasion in question we are talking about?—A. That was the first time I saw him.

Q. You say you saw the troops leave for the Duck Lake fight also?—A. His troops, yes, the rebels.

Q. Did you see Riel with them?—A. No, not going away, I did not see him.

Q. If he had been there, of course you would have seen him?—A. I saw him outside.

Q. When they were going away did you see Mr. Riel with them, going away to Duck Lake?—A. I did not.

Q. Had he been with them you would have seen him, would you not?—A. I might not. There was a big crowd going away.

Q. There were 300 going out?—A. Yes.

Q. And you say they were half an hour away, half an hour elapsed from the time they left till the time they came back?—A. About half an hour, I should say, perhaps a little more.

Q. When Mr. Riel saw you in Mitchell's, the first thing he said was that he was glad to see you?—A. No, he did not say he was glad to see me. He said: How do you do? You shan't suffer.

Q. Who wanted you to go down to the cellar at the time you were put in the cellar at Batoche, who put you there?—A. We were down different times. At one time or twice Delorme, another time it was a French Half-breed, his name I have forgotten.

Q. Neither of those times was Riel present when you were put down in the cellar?—A. No, he was not.

Q. At the time you asked to go outside for exercise, Riel said to you that you had better not go out because the Indians wanted to kill you, did he not?—A. He did not.

Q. Did he not give you to understand, at that time, that that was the reason?—A. He did not.

Q. Did you not know that was the reason?—A. I had a sort of idea, the Sioux were rather dangerous at that time. It was not from any information from him.

Q. You knew very well the protectors you had there were the Half-breeds as against the Indians?—A. Certainly we did. We looked to the Half-breeds for protection.

By Mr. Scott.

Q. You say, Mr. Ross, that Gabriel Dumont was the leader of the party who took you prisoner?—A. He was.

Q. Did you see him afterwards?—A. Yes.

Q. Where?—A. I saw him at Batoche. I saw him at Duck Lake. I don't remember whether I saw him at Carlton or not.

Q. Did you see any others of the party who took you prisoner afterwards?—A. One Indian, that is all I can remember.

Q. Then Gabriel Dumont formed part of the same party that you saw Riel in company with afterwards?—A. Certainly.

PETER TOMPKINS, sworn, examined by Mr. Casgrain.

Q. Where did you live in the month of March last?—A. Duck Lake.

Q. Do you remember the 18th of March last?—A. Yes.

Q. What happened on that day?—A. Nothing particular happened on that day, till towards evening.

Q. Well, what happened towards evening?—A. Towards evening, I was up at the mail station, and the telegraph operator came up there for me and wanted me to go and repair the line, the telegraph line was down.

Q. Well, what did you do?—A. I told them I would go.

Q. Did you go?—A. I did.

Q. Well, what happened?—A. I went and got a horse and rig and tried to get another man. I had considerable difficulty in getting another man, and finally I got my horse and brought him to Duck Lake to the telegraph office, and the miller, Mr. McKean, volunteered to come along with me, and the operator got a message that we were to start for Duck Lake at 12 o'clock at night, start about midnight at Duck Lake to repair the line.

Q. You repaired the line didn't you?—A. I repaired the line, in two different places.

Q. Well, what happened to you after you repaired the line?—A. When we were repairing the line, there were about 30 Half-breeds came rushing down on us and arrested us.

Q. Did you know any of them?—A. Yes.

Q. Who were they?—A. I knew the man that was in charge.

Q. Who was it?—A. Joseph Delorme was one of the men who arrested me, and Jean Baptiste Parenteau was the other.

Q. What did they do with you?—A. They told us to surrender in French, at least that is what I understood them to mean, and they took us down by Walter and Baker's store.

Q. Well, did you see anything strange at Walter and Baker's store?—A. I saw them going through the store, looting everything there was in it.

Q. Who was going through the store?—A. The Half-breeds and Indians, there were not many Indians there.

Q. Were they armed?—A. Yes, they were all armed.

Q. Whom else did you see there, did you see in particular there any body that you recognised?—A. Well, I saw quite a few that I recognized, I saw Gabriel Dumont, and when we were sent upstairs I saw Mr. Lash, the Indian agent.

Q. You were taken upstairs in Walter and Baker's store?—A. Yes, we were sent upstairs, and I seen Lash, Marion, Joseph Gagnon, Mr. Walters, William Tompkins and quite a few others upstairs.

Q. What were they doing there?—A. Most of them were prisoners. George Ness was another man.

Q. Was there a guard there?—A. Yes.

Q. Could you get out of the house, could you have gotten out of the house?—A. Not without a guard following us.

Q. There was a guard over you all the time?—A. Yes.

Q. Well, how long did you stay there, how long were you kept there?—A. We were kept there till about nine o'clock, I should judge, the next morning.

Q. That would be the 19th?—A. Yes.

Q. Where were you taken to then?—A. We were taken to the church, across the road.

Q. What was the church used for at the time you were taken there?—A. It appeared to be used as a council room and barracks and prison, and a restaurant and everything else.

Q. Well, whom did you see there?—A. I seen a whole church full of people there. I knew some of them and some of them I did not know.

Q. Were the people armed?—A. Yes.

Q. Were there any Indians there?—Yes.

Q. What took place when they took you to the church? Was there anything done there by the rebels whom you saw?—A. Yes, they brought some freighters there, and the prisoner addressed the people there.

Q. What did he say?—A. Well, he spoke in French, and I did not understand what he said, except towards the last. The last thing he said—I understood him to say, to tell his men—he asked them what was Carlton or what was Prince Albert? They are nothing. March on my brave army. I understood him to say that.

Q. You heard the prisoner say that?—A. I understood the prisoner to say that.

Q. To a crowd of people who were standing before him?—A. Yes.

Q. Was this in the church or outside the church?—A. In the church, he was addressing them from right in front of the altar.

Q. Well, who appeared to be the leader of the crowd there?—A. The prisoner.

Q. Did anything else take place in the church that day?—A. Yes, we had our dinner in the church. And there were two men tried or I understood them to be tried.

Q. Who were they?—A. Tried by the prisoner.

Q. What for?—A. For not being with him and his movement. They were William Boyer and Charles Nolin.

Q. Well, were they acquitted or sentenced, or what became of them?—A. I don't



know what became of Nolin. I didn't hear his trial, but Boyer Mr. Riel had a talk with, and when he was through talking, Mr. Boyer spoke in his own defense, and the prisoner said that instead of it being a dishonor to him, it was an honor. I understood him to say so, he was talking French.

Q. It was an honor to whom?—A. To Boyer.

Q. Was this trial carried on before Riel only or before any others acting with him?—A. Riel was standing on the platform, and Boyer stood up from among us men and spoke in his own defence from there.

Q. Did you hear or see anything about that council while you were in that church?—A. Yes, I understood them to be electing a council there.

Q. Did you see the council elected?—A. Yes.

Q. Who were the councillors?—A. I can name some of them, I can't name them all.

Q. Name some of them?—A. Gabriel Dumont was the man who called them out; he called Baptiste Boyer, Joseph Delorme, Moise Ouellette and several more I don't remember.

Q. Well, was this before or after this trial took place?—A. I think it was after the trial took place.

Q. Well, where did you go from that church?—How long were you kept there?—A. We were kept there till about nine o'clock the next evening, and then we were sent down to Garnot's place.

Q. Philippe Garnot's place?—A. Yes.

Q. What capacity was he acting in do you know?—A. He was acting as secretary to the council.

Q. To Riel's council?—A. Yes, we were told that we would be sent down there, and there would be a few men sent with us to look after us, that our word of honor would be taken that we would not escape; so about nine o'clock that evening we were sent down there and there was about in the neighbourhood of fifteen men came down to see whether we kept our word of honor.

Q. Were these armed?—A. Yes.

Q. Well, how long did you stay in Philippe Garnot's house?—A. Well, I could not say. I don't remember how long we stayed there, we stayed there quite a while.

Q. Where did you go from Batoche?—A. To Duck Lake.

Q. Did you go there of your own free will?—A. No.

Q. How were you taken there?—A. Taken there as prisoners and by a strong guard.

Q. By whom?—A. One of the guards told me it was by....

Q. You were taken there any way to Duck Lake under a strong guard?—A. Yes.

Q. Of armed men?—A. Of armed men, yes.

Q. Where were you placed at Duck Lake?—A. We were hurried upstairs into Mitchell's residence.

Q. Hilliard Mitchell's house?—A. Yes.

Q. Did you meet any body upstairs?—A. Yes.

Q. Whom did you meet?—A. Harold Ross and John Astley.

Q. The witness Ross who has just been heard?—A. Yes.

Q. And what was done to you there or what took place while you were there?—A. Just as we were coming to Duck Lake, Albert Monkman galloped out of the yard

and came to meet us, and he ordered his men up to the front and he said the police are coming from Carlton. He ordered some men who were with us to the front, that the police there coming from Carlton, and in Cree, at the same time, he called for us again and wanted to know who had his gun in our party, and then the man that was driving the team, the sleigh that we were in, put the whip to his horses and got in as quick as he could, and then we were taken upstairs.

Q. And what happened while you were up there?—A. Well then, when we were up there, we could see quite a few of them going off towards Carlton.

Q. Quite a few of the Half-breeds?—A. Of the Half-breeds, yes, and Indians.

Q. And how many were there going off altogether?—A. I suppose probably over 400, all that went.

Q. This was on the 26th day of March, was it?—A. I can't swear to the day.

Q. It was in the month of March last?—A. Yes.

Q. Well, did you hear anything while you were upstairs in Mitchell's house?—A. Yes.

Q. What did you hear?—A. Well, I heard a cannon go off a couple of times, and then when the Half-breeds returned, Riel rode into the yard on horseback.

Q. The prisoner rode into the yard on horseback?—A. Yes, and turned his horse around to the back of the building, and with his hat he was waving and cheering his men, and he thanked them.

Q. He apparently came in with them, didn't he?—A. Yes, he came in just along with them; the men came with him, the men behind him and some in front of him, and he waved his hat cheering and hurrahing, and he thanked Ste Marie, and St. Jean-Baptiste and St. Joseph for his victories.

Q. Did anybody come upstairs into Mitchell's house when you were there on that same occasion?—A. After night.

Q. Yes?—A. The prisoner came upstairs and before he came up, Charles Newett, who was wounded on Duck Lake field, was brought to the door and we helped him up.

Q. Who helped him up?—A. The prisoners who were there.

Q. Helped him into the room?—A. Garnot helped him up.

Q. Garnot was there too?—A. Yes.

Q. Did you see Gabriel Dumont around there?—A. Yes, Gabriel Dumont rode into the yard a little while after, I think it was after the prisoner had been cheering, he rode into the yard and said in Cree to bring out the prisoners and kill them.

Q. Well, you say that the prisoner went into Mitchell's house with those some time after the volunteer was taken up, didn't you?—A. Yes.

Q. Did he say anything there?—A. Yes, I don't remember everything that he said there, I remember him speaking to the wounded man.

Q. Did he speak of the fight that had just taken place?—A. Yes, one thing he said about the fight was that the volunteers or the police had fired a shot first. They fired first and when they fired he said, he told me distinctly that he ordered his men to fire: "In the name of the Father Almighty, who created us, fire." Them is the words he used.

Q. Did he say anything else at that time?—A. Nothing that I remember just now.

Q. Well, did anything take place at that time, did the prisoner go down then, or did he come back?—A. Afterwards he went downstairs, and some time he came to see us.

Q. Well, what was he doing there from what you could see?—A. From what we could see, I thought at the time that he was running the whole thing.

Q. Whenever you had any communication to make to anybody, whom did you make it to?—A. Well, if ever we wanted anything in particular, we generally applied to Mr. Riel.

Q. The prisoner?—A. Yes.

Q. Was any message sent to anybody at that time?—A. I wrote a letter home myself.

Q. Well, was there anything else sent?—A. There was one of our men, who was a prisoner there, sent to Carlton with a message.

Q. By whom?—A. By the prisoner.

Q. Who was sent?—A. Thomas Sanderson.

Q. What for?—A. He was sent to Carlton to tell Major Crozier to send some men and take the dead off the field, to tell them they were allowed to take their men off the field unmolested.

Q. Did the prisoner say anything further to you on that occasion?—A. Nothing that I can remember just now.

Q. Well, did you remain at Duck Lake any length of time?—A. We remained at Duck Lake quite a while till after the police left Carlton. We remained at Duck Lake till a day or so after the police left Carlton.

Q. Then how did you go to Carlton?—A. We were taken to Carlton.

Q. By whom, by the Half-breeds?—By the Half-breeds.

Q. Then where did you go or where were you taken to?—A. When we left Carlton we were taken from Carlton to Batoche by Duck Lake.

Q. Well, what took place at Carlton? Did anything take place at Carlton before you left?—A. Yes, they had set fire to the police stables before we left.

Q. Who had?—A. The Half-breeds, and the whole place apparently was on fire; just as we got up the hill, we could see by the fire and smoke that there was more than one building on fire.

Q. You say you were taken to Batoche, to where were you taken at Batoche?—A. To Baptiste Boyer's store.

Q. How long were you kept there?—A. We were kept there till about the time of the Fish Creek fight, when we were removed to the cellar.

Q. Who was with you at that time?—A. There was seven of us: Mr. Lash, Mr. Astley, Mr. Ross, Mr. William Tompkins, Mr. McKean, and Mr. Woodcock.

Q. Was there a guard over you?—A. Yes, always a guard over us.

Q. Well, did you have occasion to see the prisoner during the time, during the time you were there?—A. The prisoner used to come in and see us some times.

Q. Did he say anything to you?—A. Yes, he used to speak with us every time he came, pretty near.

Q. What was he doing there that you could see of him?—A. From what I could see of him I thought that he was apparently the leader.

Q. Well, did you hear anybody giving any orders there?—A. Giving orders?

Q. Yes, giving orders?—A. Yes.

Q. Whom?—A. I heard the prisoner ordering his men to go on guard one night.

Q. Well, if any orders were given, who gave them, who were they given by?—A. The orders that I heard given were given by the prisoner.

Q. Well, did you stay at Baptiste Boyer's house all the time?—A. We stayed there until we were removed to the cellar.

Q. How long were you kept in the cellar?—A. I don't recollect how long we were in the cellar; the first time we were kept there for several hours.

Q. Were you at liberty to go all around the cellar, or were you tied up or how?—A. We were not tied till the time of the Fish Creek fight or about that; before it, the day of the fight, Delorme came down the cellar and ordered three guards to come down after him, and he ordered them to cock their guns, which were double barrel shot guns, and they covered the men, while they tied me hands and feet, and we were left that way till eleven o'clock next day, supposed to be that way.

Q. Did anything happen after that before you were released?—A. Every night that we were in the cellar we were tied mostly.

Q. How were you released?—A. I was released by General Middleton's men.

Q. Before you were released did you see the prisoner at all have any conversation with anybody in your presence?—A. The day he came to the cellar after Mr. Astley I did, the day that Batoche was taken.

Q. The day that Batoche was taken you saw him come to the cellar to see Astley?—A. Yes, he came for Astley; he came there in a very excited manner; he was very much excited, and so were the men who were with him. We could tell by the way they flung the stones off the cellar door. They just sent them rolling all over the building and he came to the door of the cellar and the first words I heard him say was: "Astley! Astley! come here and go tell Middleton if they—I think massacre was the word used—if they massacre our women and children, we will massacre you prisoners."

Q.—Well, from that time till your release did anything happen between you and the prisoner?—A. No, I did not see the prisoner afterwards.

Examined by MR. FITZPATRICK:

Q. You speak Cree perfectly, do you not?—A. Not perfectly, I speak Cree pretty well.

Q. You were arrested on what day?—A. I was arrested about four o'clock on the 19th of March.

Q. You saw Mr. Riel for the first time when?—A. I am not positive whether I saw him at Walter's store or at the church for the first time. I am certain of seeing him at the church, but I don't remember whether I saw him at Walter's or not.

Q. You saw him at the church?—A. I saw him at the church, but I am not positive whether I saw him at the store or not.

Q. Did you have any conversation with him?—A. Yes.

Q. At the church?—A. Yes.

Q. What did he say to you and what did you say to him?—A. I asked him if he would respect my property, and he said my property would be respected and he gave me leave to take my horse out of the cutter that some Half-breed had kindly hitched him up to.

Q. Some Half breed had taken your horse and he told the Half-breed to deliver your horse up to you and you got him back?—A. No, some Half breed had it hitched up to a cutter and tied the horse up to a post, and I asked leave to undo it and feed him some hay, and he gave me permission to do so.

Q. And he told you your property would be respected?—A. He told me it would.

Q. Now you heard Mr. Riel make a speech to his men, did you not?—A. Yes.

Q. You heard him tell that Carlton and Prince Albert were nothing?—A. Yes.

Q. And did not amount to anything?—A. Yes.

Q. Was he very far from you when he made that little speech?—A. No, he was about as far as you are from me now.

Q. That little speech was delivered by him to his men in French, was it not?—A. Yes.

Q. You would have no objection now to repeat the little speech, the substantial words he used, would you?—A. Well as near as I can repeat the words he used; I don't know whether I can repeat them now or not. He said: "Qu'est-ce que c'est que Carlton? Qu'est-ce que c'est que Prince-Albert? Rien. Marchons, mes braves!" something pretty near that.

Q. You next heard him make that speech to his men after the men had come back from Duck Lake, did you not?—A. Yes.

Q. Where was he at the time?—A. He was sitting on horseback outside in the yard.

Q. And where were you?—A. Upstairs in Mitchell's house, looking out through the window.

Q. You were in the second story of Mitchell's house, were you not?—A. I was in the upstairs of the house.

Q. And he was down in the yard?—A. Yes.

Q. And you heard all that he said, no doubt?—A. Well I heard mostly all that he said but I did not understand him, at least I did not understand all he said.

Q. Of course the windows were closed and he was downstairs?—A. No, the windows were not closed. There was a pane of glass partly knocked out of the window and through this pane I was looking.

Q. Through the pane you were looking down at him?—A. Yes, through the broken pane.

Q. And you heard what he said out in the yard?—A. Yes, I heard what he said.

Q. You heard him make his speech there saying he thanked the Lord and the Virgin Mary for his successes?—A. I don't remember him thanking the Lord, I remember him thanking the Virgin Mary.

Q. Whom else did he thank?—A. St. Jean Baptiste, St. Joseph and several other Saints.

Q. He went through the whole list, didn't he?—A. What do you mean by the whole list?

Q. How many more did he repeat?—A. I don't remember how many more he said, he mentioned other Saints.

Q. You next were present at the choosing of the council in the church, were you not?—A. I was present at the council before I was to Duck Lake.

Q. That was in the church at Duck Lake, was it not?—A. No, it was in the church at Batoche.

Q. Were there many people there?—A. Yes, the church was full.

Q. Did Riel take any part in the election?—A. In the election of the council?

Q. Yes.—A. I don't think he took much part, except he spoke in one man's favour whom somebody else rose objection against.

Q. As far as you can now recollect, that is all the part he took in the election?—A. That is all.

Q. What he said of course was in French and you understood what he said?—No, I don't understand French.

Q. Well you understand it sufficiently to know what Riel said on that occasion, do you not?—A. I understand some of it, I did not understand every thing he said.

Q. Did Riel at any time prevent Gabriel Dumont or anybody else from killing prisoners?—A. Well I don't know who prevented Gabriel Dumont at Duck Lake. He did not seem to act as a man, as though he wanted to kill prisoners very bad. He just simply ordered them out and then he seemed to quit there when he had ordered them out.

Q. That was Dumont?—A. Yes, he did not seem to push matters ahead very much to try to get them out.

Q. Riel took no part in your arrest, did he? Was he present when you were arrested?—A. No, he was not present when I was arrested.

Q. Was he present when you were put down in the cellar at Batoche, you were put down with other prisoners of course?—A. Yes. No, he was not present then.

Q. He was not down in the cellar at the time you were pinioned and tied there, either was he?—A. No, but I had sent men to tell him we were tied. I had asked the guards to tell him we were tied.

Q. But he was not present at the time?—A. No.

Q. At the time that the shell fired by the troops struck your house, he went there and asked after your safety, did he not? You were there with the other prisoners of course in the cellar?—A. Yes, I was there with the other prisoners in the cellar.

Q. You know the house was struck with a shell, do you not?—A. Yes, I know and I ought to know.

Q. Do you know also Riel came there after the house was struck?—A. I don't know whether he came there after the house was struck or before the house was struck, but I am inclined to think it was before it was struck, and after he asked if we were safe and alive and went out of the house and afterwards returned and spoke through the floor, and he said: "I forgot to say a good word to you. Remember the Almighty," he said, "we have all got religion," and then he went off.

Q. Very good advice?—A. Kind of cool advice coming through the floor at that time.

Q. I suppose it would have been cooler had it gone through an ice house, wouldn't it?—A. Probably.

Q. You know that he gave a prisoner that had been wounded at Duck Lake into custody of the prisoners that were at Mitchell's house, do you not? Or do you think you can remember that? A man named Newett?—A. Newett was brought to us, I don't think Riel brought him there, I don't remember Riel bringing him there.

Q. You are quite sure also that Riel did not say anything to you about him when he was brought there? You are quite sure now on your oath that Mr. Riel did not tell Mr. Astley in your presence to take good care of that man?—A. I can't swear that he did not.

Q. You don't think he did do it, don't you?—A. I can't swear he did nor yet I can't swear that he did not.

Q. Your impression is that he did not do it?—A. I ain't got no impression about it.

Q. That fact did not remain sufficiently on your memory to be able to remember it of course?—A. No, it did not. I don't remember him telling me.

Q. You don't remember anything about it at all, but you remember well about the angels he gave praise to after the victory at Duck Lake?—A. Yes.

WILLIAM TOMPKINS, sworn. Examined by Mr. Robinson.

Q. You are a brother of the last witness I think, are you not?—A. A cousin.

Q. You have been in the employment of the Indian Department in these Territories, have you not?—A. Yes.

Q. For how long?—A. I have been in their employment now on and off for the last five years.

Q. In what capacity?—A. As assistant farmer and interpreter also.

Q. You were at Fort Carlton in the month of March last I believe?—A. Yes.

Q. For how long have you been stationed there?—A. Since the 15th of August, up till that time.

Q. Do you recollect the 18th of March last?—A. Yes.

Q. Do you recollect leaving the Fort on that day?—A. Yes.

Q. With whom did you go?—A. Mr. Lash, the Indian Agent.

Q. And for what purpose?—A. I did not know that.

Q. Did he ask you to go with him?—A. Yes, he said I was to go.

Q. You were ordered by him to go then?—A. Yes.

Q. You were under his instructions, were you not?—A. Yes.

Q. He was the Indian Agent there?—A. Yes.

Q. Just tell us what happened, you went with him I suppose?—A. I went with him.

Q. Where to?—A. One Arrow's reserve he started for.

Q. About how far from Carlton?—A. Twenty miles.

Q. On horseback or driving?—A. Driving.

Q. Both in the sleigh?—A. No, I was separate.

Q. Each had your own sleigh?—A. Yes.

Q. What took place then?—A. When we came as far as Duck Lake Mr. Lash stopped there a few minutes, and then he went on to the river and stopped at Walter & Baker's, and finally we got to the reserve and found the Farm Instructor not at home, and fed the horses there, and the Farm Instructor drove up and Mr. Lash stopped a little while, and then we started back. He wanted to buy some potatoes or something for the Indians, as far as I could understand, and we came to this place, where I was taken prisoner at Mr. Kerr's store.

Q. Who were you taken prisoner by?—A. Mr. Riel.

Q. And were there others with him?—A. Yes, there was Gabriel Dumont and a lot of others.

Q. About how many others?—A. I should judge between 60 and 100.

Q. Were they Half-breeds?—A. Yes, principally.

Q. Were they armed?—A. Yes, not them all, they were not all armed at the time.

Q. Were the majority of them armed, do you think?—A. No, I don't think they were.

Q. And what were those armed with that were armed, as far as you observed?—A. Guns.

Q. Well, who first stopped you?—A. Gabriel.

Q. What did he say to you?—A. He told us to remain there awhile.

Q. What happened then?—A. Mr. Riel drove up and said he would detain us a few hours.

Q. Well, what happened?—A. Well, we stopped there, remained there for about ten minutes, I should think, and finally we were taken to the church.

Q. Under a guard?—A. Yes.

Q. Did all these men go with you to the church, or only a small guard?—A. They all went with us, as far as I could see.

Q. And what was done then?—A. Well, we went to the church, and of course I don't understand the French language but I understand the Cree, and as far as I could make out from the Indians, they were trying to elect a council there, and we remained there all that night.

Q. Who were engaged in trying to elect a council, was Dumont there?—A. Gabriel was appointed to elect them, as far as I could find out.

Q. Was Mr. Riel there?—A. Yes.

Q. And what part did he seem to be taking?—A. Well, I could not say as he was taking any part.

Q. Then you were put into the church?—A. Yes.

Q. Were you kept in the church that night?—A. No, we were taken across to Walter's store, and we were kept there upstairs until the morning, and then they returned us back to the church again, and we remained there that night,—not that night,—we stopped there that night, and we were removed down to Philippe Garnot's restaurant at Batoche, he was cooking there.

Q. Yes, and what happened then?—A. First there was one of the councillors, he took our names, as a word of honor to go down there, if we would not try to escape, and we put down our names on the word of honor, and then they sent some guards along to be sure.

Q. How many guards did they send in addition to the word of honor?—A. Well, there were two with me. I don't know how many there were with the rest.

Q. How many of you were sent down?—A. Well, there was Mr. Lash and I, and George Ness and McKean and Mr. Tompkins, my cousin.

Q. Were the guards armed?—A. Yes, the guards that were with me were armed.

Q. What happened then?—A. Well, we remained there until we went to Duck Lake.

Q. And what day did you go to Duck Lake?—A. It was the 26th.

Q. And who took you there?—A. The Half-breeds took me there.

Q. Did you go with the other prisoners?—Yes, all in one sleigh.

Q. And how many Half-breeds went with you?—A. Well, I should judge there was about sixty.

Q. Any Indians?—A. Yes, some Indians.

Q. How many Indians do you think?—A. I should think there would be about ten or twenty.

Q. Were the Indians also armed?—A. Yes.

Q. What did they do with you at Duck Lake when you got there?—A. They put us upstairs in Mitchell's house.

Q. Tell us what happened next?—A. Well the next thing that I heard was we were ordered down to be shot in the afternoon. I met Mr. Astley and Mr. Ross there.

Q. The next thing you heard you were ordered down to be what?—A. To be shot.

Q. In the afternoon; who by?—A. Gabriel was the man that I thought ordered us.

Q. Was that before or after the affair at Duck Lake?—A. After the affair.

Q. Well tell us anything you can that took place before that affair? Did you see them going out to Duck Lake?—A. Yes, I saw them going out.

Q. Where did they come from?—A. The principal part of them were ahead when we got there.

Q. How many do you think were ahead of you?—A. I should judge about three hundred.

Q. And there were how many with you?—A. Well, about 60 or 70 altogether, Indians and all.

Q. And of the 300 how many do you think were Indians?—A. About 150.

Q. Well, they were ahead of you. Did you get to Duck Lake before they left it, for the place where the fight took place? before they went out to where the fight took place?—A. No, they were just going out; how I knew they were going to fight, Monkman came running by and he said in Cree, asked an Indian where was his gun, or had he brought his gun with him, and he ordered them to the front, so I thought by that there was going to be a fight.

Q. Did you see Riel at that time?—A. No.

Q. Well then, did you hear any firing?—A. Yes.

Q. How long after they had gone out, did you hear the firing?—A. I should judge about an hour or an hour and a-half, to the best of my knowledge.

Q. Did you hear many shots fired?—A. I heard quite a number.

Q. You heard them plainly, I suppose?—A. Yes.

Q. What happened next?—A. Well then, they all returned and we were ordered out to be shot the next. Gabriel got wounded, I heard them talking about it down stairs.

Q. Well who interfered to stop that, any one that you know of?—A. A Half-breed by the name of Magnus Burstein, told me that he interfered.

Q. Well, you were not taken out, and what happened next?—A. Well we were removed to Carlton next.

Q. Before that, did you see Riel? Did you see Riel at Duck Lake?—A. Yes, he came with the prisoners.

Q. And what did he say to you?—A. He did not make any remark at all to me.

Q. Did he make any remark to anyone else in your hearing?—A. He made a remark to Astley or Astley made a remark to him; they were talking about the fight, he said that the police fired the first, and Mr. Astley said that probably the gun might have gone off accidentally, and he said, perhaps so.

Q. Did he tell you anything more about the fight?—A. The next day he allowed me to go out, Ross and I, to take the bodies off the field.

Q. Before that he told Mr. Astley the police fired first, and Mr. Astley said perhaps the gun went off accidentally, and he said, perhaps so, was there anything else spoken of as regards firing?—A. He said he gave the word, in the name of God, to fire.

Q. He said he gave the word to whom?—A. To his men.

Q. Did he say anything more about his men or what any of them had done at the fight?—A. No, nothing that I heard.

Q. Nothing that you remember?—A. No.

Q. Well, did he say anything about yourselves?—A. He said that probably we were brought in there for our lives, to have our lives saved, whereby if we had been out I suppose we would have been shot, that is the way I understood it.

Q. He said that probably you were brought in there for your lives' sake, that if you had been out you might have been shot?—A. Yes.

Q. Well how long did you remain at Hilliard Mitchell's?—A. We remained there until the 31st.

Q. And where were you taken then?—A. To Carlton.

Q. By whom?—A. Taken by Baptiste Laplante, when he was driving the team, there were three guards in the cellar, as far as I can think.

Q. How many other Half-breeds were there with you there?—A. I should judge about fifteen altogether, 12 to 15.

Any Indians?—A. Yes.

Q. How many?—A. Two.

Q. About fifteen Half-breeds and two Indians?—A. Yes.

Q. What was done with you there?—A. We were placed in a house there, upstairs.

Q. When you got there, who did you find in possession of Carlton?—A. Monkman.

With how many men?—A. I should think about 60.

Q. Were they armed?—A. Yes.

How long did you remain there?—A. We remained till the 3rd April.

Q. What was done with you then?—A. We had to go back to Batoche.

Q. What distance is that?—A. Twenty miles.

Q. Under a guard?—A. Yes.

How many were in the guard?—A. We went with all the crowd.

The whole that were at Carlton?—A. Yes.

Q. Did they burn before leaving?—A. It was in fire before I left, I could see the flames when I had left.

Q. Then the whole force went over with you to Batoche, about 100?—A. Yes.

Q. They were armed as I understand?—A. Yes.

Q. Then when you got to Batoche what was done with you?—A. We were put in Baptiste Boyer's house.

Q. How long were you kept there?—A. Kept there till the battle of Fish Creek.

Q. That would have been on the 24th April?—A. On the 24th April.

Q. Under guard?—A. Yes.

Q. And what happened on the 24th April?—A. Well, before we were taken to the cellar, I saw a man get up there and wave to the other party that were across the river to come on this side and they started, and we were taken down to the cellar and we did not hear anything more.

Q. Who took you into the cellar, who was in command of the guard if there was one?—A. I could not say who was in command.

Q. How long were you kept in the cellar?—A. We were kept in till the battle of Fish Creek was over and then we were taken out.

Q. That would only have been a day or two, I suppose at that time?—A. Yes.

Q. Well, how long were you left out of the cellar after that?—A. Well, to the best of my knowledge, I think we were put down either that day or the next, I am not sure which.

Q. Now while you were in Baptiste Boyer's house did you see Mr. Riel at all?—A. Yes, I saw him around.

Q. Did he ever speak to you?—A. No, never had any conversation with me at all that I know of.

Q. Did he ever have any conversation with other persons in your presence?—A. Yes.

Q. With whom?—A. He used to converse with Mr. Astley.

Q. What did he say to Mr. Astley in your presence?—A. Well, Mr. Astley told me

Q. Never mind what Mr. Astley told you, what did you hear him say to Mr. Astley?—A. Well, I heard him say he would exchange us for the Hon. Lawrence Clark, and Mr. Thomas McKay or Colonel Sproat.

Q. What did Mr. Astley say to that?—A. Well, I don't know exactly what he said to that.

Q. You don't remember what the answer was?—A. No.

Q. Then during all this time were you in the custody of an armed guard?—A. Yes.

Q. Who appeared to be in command of the people there, the armed men?—A. Riel, as far as I could see.

Q. Did you ever see him armed?—A. Yes.

Q. What with?—A. Winchester Rifle.

Q. You were left out of the cellar for a short time, and when were you put back there?—A. I think we were moved back, but we came out, I think we were moved back either that day or the next.

Q. You came out about the day of the battle of Fish Creek, 24th?—A. Yes.

Q. You moved, were moved back you mean, on the 25th and 26th?—A. Yes.

Q. How long did you remain there?—A. The 24th was the battle of Fish Creek, and we were out on the 25th I think, and then we were put back again right that next day.

Q. Then you were put back on the 26th, and how long did you remain there then?—A. Remained there till I was released.

Q. That would be the 12th of May?—A. Yes.

Q. Who was there with you?—A. In the cellar.

Q. Yes?—A. There was Mr. Astley, Mr. Ross, Mr. Lash, Mr. McKean, Mr. Woodcock and myself.

Q. Was there any light in this cellar or what sort of a place was it?—A. No, no light.

Q. No light at all?—A. No.

Q. How did you get into it?—A. Through a trap door.

Q. And that was closed I suppose?—A. Yes.

Q. Were you at liberty or confined, or tied in any way?—A. We were tied for the last three nights.

Q. Hands or hands and feet or how?—A. I was tied hands and feet, the others were only tied hands.

Q. Who was it ordered you to be tied?—A. Well Delorme was the man that tied me.

Q. Well how was it done, was he armed?—A. Yes, he was armed.

Q. Did he say anything when he did it?—A. He said if he found us unloosed he would shoot us.

Q. Do you remember seeing Riel on the 12th, the day you were rescued?—A. Yes.

Q. Where did you see him?—A. He came to the trap door and took Mr. Astley out.

Q. What did he say to him?—A. He said to go and tell General Middleton, as far as I can understand, if he did not stop shelling the houses he would massacre the prisoners.

Q. Did Astley go?—A. Yes.

Q. Were you there when Astley returned, or did you see him?—A. No.

Q. Then have you told me all that you know about the matter?—A. Yes.

Q. Had you known Riel before this?—A. I had seen him, I never was acquainted with him.

Q. How often had you seen him before this?—A. I had seen him just once to my knowledge.

Q. And when would that have been?—A. He was holding a meeting at a settlement.

Q. When?—A. I forget the date.

Q. How long before this?—A. I should judge about six months.

Examined by Mr. GREENSHIELDS.

Q. Were you present at the meeting?—A. Yes.

Q. Did you hear any of the speeches at the meeting?—A. Yes.

Q. What was the meeting held for?—A. It was grievances as far as I could find out.

Q. Grievances that the Half-breeds contended they had against the Government?—A. As far as I could understand that was it, I was not there long.

Q. I think you stated in your examination in chief that you did not understand French, but you did understand Cree?—A. Yes.

Q. And will you state what Mr. Riel said, did he speak in French or English then?—A. When Mr. Riel was speaking.

Q. Yes?—A. He was talking French.

Q. Somebody interpreted it for you?—A. I asked an interpreter that had it interpreted to him. He told me in Indian.

Q. So that what you know then is the statement that you have proved that Mr. Riel has made was interpreted to you by an Indian?—A. An Indian that understood French.

Q. But you did not know what he said himself personally?—A. No, I did not say I did.

Q. I think you said also that at the meeting of the council where you were present when they were electing the council, that Riel did not seem to be taking much part, very much of any part in it?—A. Yes.

Q. Now you understood, did you not, the Half-breeds during your arrest were really standing between you and the Indians, that is you looked to them for protection?—Yes, I did.

By Mr. ROBINSON.

Q. These conversations with Astley were they in English, or how did Riel address him?—A. In English.

Q. So that you understood them?—A. Yes.

JOHN B. LASH, sworn, examined by Mr. Osler.

Q. I believe you are Indian Agent for the Dominion Government at Fort Carlton?—A. Carlton district.

Q. You had not been there very long at the time of the occurrences in question?—A. No, I went there in January.

Q. On the 18th March I believe you were with the last witness?—A. He was my interpreter.

Q. And you were taken prisoner?—A. Yes, I was taken prisoner at Batoche.

Q. Relate how you were taken prisoner?—A. I was returning from One Arrow reserve, and near Batoche I came down upon a crowd of armed men. Gabriel Dumont came forward and said Mr. Riel wanted to see me. While he was talking Riel drove down at a furious rate, he came forward and addressed me as Mr. Agent, he says: I will have to detain you. I asked on what ground he was going to detain me? And he said the rebellion had commenced and they intended fighting until the whole of the Saskatchewan Valley was in their hands.

Q. That is what Riel told you himself?—A. Yes.

Q. What else passed between you?—A. Then he told me to give up my arms if I had any, to hand them over to Dumont.

Q. Then what was done?—A. From that we were taken to the church.

Q. Who seemed to be in authority when Riel came up?—A. He seemed to command the whole thing, it was by his orders that the mules I was driving were unhitched, and he took possession of them and the trap.

Q. It was he told you the intention of the party?—A. Yes.

Q. About how many men were there in arms?—A. I should say there were about 40 or 50 in the mob.

Q. How were they armed?—A. With guns, chiefly guns and a variety of arms, rifles.

Q. Do you mean they were all fire arms?—A. Yes, all fire arms.

Q. Then where were you put?—A. We were taken down to the church and remained there till about 8 o'clock.

Q. The church at what place?—A. Batoche. Then we were sent to the south side of the river, to Walter and Baker's store.

Q. About what time on the 18th?—A. Between 8 and 9 in the evening.

Q. What was going on at Walter and Baker's store?—A. The store was being pillaged by the armed mob, we were put upstairs.

Q. Did you see Riel there that evening?—A. No.

Q. You were put upstairs and whom did you find there?—A. I found Walter and his clerk Mr. Hannipin, they were prisoners.

Q. Any one else in the house?—A. Not at that time.

Q. On the 19th what took place?—A. That evening there was another prisoner brought in, Louis Marion.

Q. On the 19th what took place?—A. Early in the morning there were two more prisoners brought in.

Q. Who were they?—A. Tompkins and McKean.

Q. The men who had been repairing the telegraph line?—A. Yes, they stated so.

Q. What happened further on the 19th?—A. We were then removed to the church and kept there all day.

Q. What happened at the church?—A. There was a great deal of excitement going on, but it was spoken in French chiefly, and I did not understand it.

Q. Whom did you see at the church, did you see the prisoner at the church?—A. Yes.

Q. What was he doing?—A. Addressing the crowd.

Q. Anything else?—A. There was nothing that I know of particularly.

Q. Who was in charge that day so far as you saw?—A. The prisoner.

Q. Then where did you go from the church and when?—A. They kept us there till about 8 o'clock, and we had no blankets or anything, and a man by the name of Monkman came along and I spoke to him and he said he would see Riel and see what could be done, and we were removed to Philip Garnot's house.

Q. How long did you stay there?—A. We remained there till the morning of the 26th.

Q. Of March?—A. Yes.

Q. During that time had you any conversation with the prisoner?—A. Several.

Q. Can you give us anything of importance he said to you as to his intentions?—A. On one occasion he said that he had three enemies, and enumerated them as the Government, the Hudson Bay Co., and the police, he also stated to me he would give the police every opportunity to surrender and if they did not do so there would be bloodshed; on another occasion he told me he had heard the Lieut. Governor was on his way up and that he had sent an armed body to capture him.

Q. Anything else?—A. I cannot remember what his ordinary conversation was, on one occasion he said he would not release me on any account as I was a Government official, that he would hold me as a hostage.

Q. Anything else, anything personal to himself as to his motives?—A. Yes; he talked about as soon as they had the country it would be divided up and so forth, he would give, he was going to give a seventh to the Indians, a seventh to the Half breeds and I don't know what was to become of the balance.

Q. It was only two sevenths he was going to give away apparently?—A. That was all he stated to me.

Q. Was anything said as to his intentions or movements?—A. No, not that I am aware of; on one occasion he wanted me to join the movement, he said he would guarantee me a position in the service if I fell in with him.

Q. What did he say?—A. He said he would give me a position in the Government that they were to form.

Q. Did he say anything about the Indians?—A. Nothing out of the way.

Q. Did he say what position they were taking?—A. No, I do not remember any particular conversation about the Indians.

Q. Was there anything said as to the length of time he had been considering these matters?—A. Yes, he told me he had been waiting 15 years and at last his opportunity had come.

Q. Then where were you taken on the 26th?—A. To Duck Lake.

Q. And where were you put there?—A. We were put above Mr. Mitchell's store, above his house I should say.

Q. That is with the other prisoners?—A. Yes.

Q. Did you see Riel there at all before the fight?—A. No, the main body had gone to the fight when we arrived there.

Q. Did you see him after the fight?—A. I saw him returning with the mob.

Q. Who was he returning with?—A. If my memory serves me right, he was on horseback.

Q. How many men about him?—A. I should say between 300 or 400.

Q. How were they armed, if armed?—A. They were partly armed with guns, rifles and so forth.

Q. When did you hear Riel after that say anything?—A. He came up with a wounded prisoner, the wounded volunteer, and he said "he will be better in your hands as he is one of yourselves," or words to that effect.

Q. Then what conversation took place, in which the prisoner took part?—A. On another occasion he came up and was anxious to find out if Mr. Lawrence Clark was at the Duck Lake fight, I don't know as there was anything else particularly said by him.

Q. Was there anything said by him as to which fired first?—A. Yes, he claimed the police fired first and then he told his men to fire, that is what he claimed.

Q. Did you hear him make that claim that he told his men to fire?—A. Yes, I did.

Q. Was that all you heard him say?—A. That was all I remember at present.

Q. Did you remain there any length of time at Duck Lake?—A. We remained there till the morning of the 31st.

Q. What took place in the interval?—A. One of the prisoners, Sanderson, he sent him to Carlton.

Q. Who sent him?—A. The prisoner.

Q. For what purpose?—A. With a message to Major Crozier, to send for the dead and that he would not molest any parties coming for them.

Q. Do you remember the day that was?—A. A Friday.

Q. The Friday after the fight?—A. Yes.

Q. Did Sanderson return?—A. Yes he returned on Sunday.

Q. Do you know personally of the dead being taken away by Sanderson?—A. I did not.

Q. Then was anything said by Riel at any time as to who were with him in the movement?—A. No, he never mentioned any names.

Q. Not names, but what people?—A. Yes he told me the Indians were all with him, and the Half-breeds, both French, English and Scotch.

Q. Were with him?—A. Were with him in the movement.

Q. Then you were taken on the 31st where?—A. Taken to Carlton.

Q. All of you?—A. Yes.

Q. What was done with you there?—A. We were kept there till the morning of the 3rd April, and then we were carted or walked the best part of the way to Batoche.

Q. Where were you put in Batoche?—A. In the bottom of a store on arriving, and the next day we were moved above the store.

Q. You were kept above the store until when?—A. We were kept above the store until some excitement sprang up there and we were put down the cellar a day or two and we were taken out and put back again and we remained there then till Thursday the 23rd, and we were taken out of the cellar after the Fish Creek fight was over.

Q. How were you treated in the cellar?—A. Our hands were tied at night.

Q. Had you any communication with Riel during your stay at Batoche, any talk with him?—A. I spoke to him several times about getting released.

Q. What did he say to that?—A. He refused it every time.

Q. Give any reason?—A. He said he might release the other prisoners, but I was a Government official and he would not release me.

Q. Did you ever see Riel armed?—A. I did.

Q. With what?—A. It was a rifle of some kind.

Q. When?—A. Prior to the Fish Creek fight, I cannot give you the date.

Q. Did Riel say anything about the Fish Creek fight?—A. Yes, he claimed a victory there.

Q. In talking to you?—A. Not to me personally no, I heard of him claiming the victory, and that is all.

Q. Do you remember anything taking place on the day you were released?—A. Yes, Riel came to the trap door, it was loaded with stones, he called Mr. Astley, and he says come quick go and see Middleton, and he turned back and says: "if our families are hurt in any way, I will massacre the prisoners," addressing us all who were left in the cellar, six of us.

Q. What occurred after that?—A. Shortly after that we were released by the arrival of the troops.

Mr. FITZPATRICK. We do not wish to cross-examine the witness.

GEORGE NESS, sworn, examined by Mr. Burbidge.

Q. You live near Batoche, Mr. Ness?—A. Yes.

Q. On which side of the river?—A. On the East side of the river.

Q. How far from Batoche?—A. About two miles.

Q. What is your occupation?—A. A farmer.

Q. Are you a Justice of the Peace as well?—A. Yes.

Q. You know the prisoner?—A. Yes.

Q. When did you first see him?—A. Somewhere in the month of July, about that time.

Q. July 1884?—A. Yes, 1884.

Q. Where did you see him then?—A. I cannot say exactly the first place I saw him, but I saw him around the settlement.

Q. In the parish of St. Antoine?—A. Yes.

Q. Was he living there at that time?—A. Yes, somewhere there.

Q. Were his wife and children living there to?—A. Yes.

Q. Do you know if he had continued to live in the country since then?—A. Yes.

Q. You know of his holding meetings?—A. Yes, I believe he was holding meetings.

Q. Did you attend any of those meetings?—A. I attended one of them.

Q. One of the first meetings?—A. No, this was on the 24th February.

Q. Where was it held?—A. In the church of St. Antoine.

Q. Did anything of importance take place at that meeting, and if so tell us?—A. I did not continue all the way through the meeting, I left when it was about half way through.

Q. And you say it was conducted principally in French?—A. Yes, it was conducted in French.

Q. You understand French?—A. Yes, I knew what they were saying.

Q. Was that meeting attended by persons who afterwards remained loyal?—A. Yes, several and also by persons who were in the rebellion.

Q. Did you take any part in the meeting yourself?—A. No, I was just listening, I heard there was to be a meeting, and I just went out of curiosity.

Q. Had you any reason for not taking part?—A. I never did take any active part.

Q. Had you any conversation with Riel after he came into the country?—A. Yes, I talked to him several times.

Q. In what month of '84 would that be?—A. It might have been the end of July or August.

Q. What were you speaking about?—A. He was talking of trying to assist the people in their grievances, to have their grievances righted.

Q. Speaking of getting up an agitation?—A. Yes, an agitation or a bill of rights.

Q. Did he at that time make any suggestions of using force?—A. No.

Q. Did you see him frequently from that time forward?—A. Yes.

Q. You live in the same neighbourhood?—A. Yes, I have seen him there very often.

Q. He attended church regularly?—A. Yes.

Q. Did you see anything or hear anything to lead you to suppose they would take up arms?—A. No, nothing, till the 17th March.

Q. Now tell us what took place then?—A. As I was proceeding home in a cutter I overtook one of my neighbours on the road, he was on foot, and as in the custom of that part of the country I took him into my cutter as far as my place; he said: "I believe Gabriel is exciting the Indians on One Arrow reserve." I went home, I thought probably it might be true, and I took and fed my horse and started for Carlton.

Q. This was about three in the afternoon?—A. About three, it was getting towards sunset. I went to Carlton and informed Major Crozier of what I had heard, I came there that night it was late, I suppose it was about twenty miles to drive there. I asked permission to camp from the Major, and the next morning I saw him, and he told me if I heard anything more to try and let him know as soon as possible. When I got back to Duck Lake, Mr. Kerr told me: "They are in arms already at the river, and they are going to take Carlton to-night." I thought it was my duty to send back to the Major and inform him what was going on.

Q. You did so?—A. I did so, I sent a letter by a special messenger.

Q. All this time your own family was about two miles from Batoche?—A. Yes.

Q. After sending the message, what did you do?—A. I started for home to my family, as I was anxious about them.

Q. What took place on your way home?—A. On my way home, on the north side

or west side of the river, at Walter's store, I heard there again that a mass meeting was to be held that evening.

Q. There was something really stirring then?—A. Yes, there was something real in the matter. I determined to go on.

Q. Did you do so?—A. Yes. As I crossed the river, I met another man, he was under arms already. He said: "they have taken up arms already." I said it was very foolish. Take the advice of a friend, says I, and leave that thing alone. So I continued on my way, and when I got opposite Kerr Bros.'s store, I saw a big crowd there.

Q. Is Kerr Bros.'s store on the East or West side?—A. On the East side.

Q. Or on the South side, as some say?—A. Yes. As I got close to them I saw them coming on foot to the road. The store is perhaps 70 or 80 feet from the road. Gabriel Dumont was in front. He said: "Bonjour." I took his hand, and I said: "Gabriel what is it you wish? It is not for nothing you stop me in this manner." He said, "where have you been to?" I said: "I have been to Duck Lake. And he said: "You have been doing something, you have been further than Duck Lake." I said: "Gabriel, it is none of your business where I have been: Well, he says, I will take you prisoner. I says: "You can do what you please. I says: If you want to kill me, I am ready." I asked him if he was at the head of affairs. He said "no, Mr. Riel (the prisoner here), was at the head. He said: I will have to keep you prisoner till his arrival."

Q. How many people were with Dumont?—A. There were probably 40, 50 or 60.

Q. And they were principally your neighbors?—A. Neighbors and Indians.

Q. People you know well?—A. Yes.

Q. And some Indians?—A. Yes.

Q. How many Indians do you think were there?—A. There might have been 20 or 25.

Q. Did you say anything to these people?—A. I asked them who was taking me prisoner whether they assisted Gabriel or not, and no one would answer me. I said it was a very foolish thing they were doing, that they would all be killed if they went on with it, if they meant rebellion.

Q. You made a speech to them?—A. Yes. They said: There is some old men in the house. A young man said that. He said: you had better go and ask them if they will take him prisoner. They went back to the house and brought along two men.

Q. Who were they?—A. Donald Ross and Clive Tourond. Tourond made a jump for my horse, and caught him by the rein and Ross consented.

Q. The people all consented to your arrest?—A. Yes.

Q. Where did they take you to?—A. Back to the store about seventy or eighty feet from the road: Gabriel says: "You can get down and warm yourself." So I went in and warmed myself. While I was in the house, I heard the people saying in French "they have taken Captain Gagnon."

Q. Who is he?—A. A captain of the police force stationed at Carlton. All the people went out. I went out with them, I saw Mr. Lash.

Q. Had the prisoner arrived at this time?—A. After I went out, I saw Mr. Riel, and he was saying to Mr. Lash: "Have you any arms?" Lash said: "No, I never carry any arms."

Q. Who appeared to be in command after the prisoner arrived?—A. Mr. Riel told me, he says: "You go down to the church." And we started almost immediately for the church.

Q. Did every one appear to obey him?—A. Yes.

Q. Dumont and all the rest?—A. Yes.

Q. Tell us about their taking you to the church?—A. When we got to the church, they were in the front of the church, Mr. Riel commenced saying he was a prophet, that he could foresee events.

Q. Before that how many men were in arms? At the time you and Nash were taken prisoners to the church?—A. Well there might have been about 50.

Q. How were they armed?—A. With guns.

Q. Had any of them rifles?—A. They might have had rifles, I did not take much notice.

Q. They were armed with fire arms?—A. Yes.

Q. Who was in charge of the church?—A. Revd Father Moulin.

Q. Did you see him on that occasion?—A. When the crowd got to the church he came out and he wished to speak to the people. Mr. Riel said: "No we wont let him speak. Take him away, take him away, we will tie him."

Q. He threatened to tie him?—A. Yes. He said: "Shall we keep him prisoner?" Some of them said: "No, we will put a guard over him."

Q. Did he say anything about taking possession of the church at the same time?—A. Yes, Riel said: "I will take possession of the church." Father Moulin said: "I protest against you touching the church." Riel says: "Look at him, he is a protestant."

Q. The prisoner said that?—A. Yes. "Go away" says Riel, "go away."

Q. What happened then?—A. They went into the church then and ordered us to go into the church.

Q. Ordered you, prisoners?—A. Yes, us prisoners. Mr. Riel jumped into my cutter as I was going to the church, he bowed very politely to me, and said to take my horse.

Q. How long were you in the church?—A. Probably a quarter of an hour or half an hour.

Q. Where did they take you to?—A. Across the river, to Walter and Baker's store.

Q. Where did they put you then?—A. Upstairs.

Q. Were there any prisoners in that store when you arrived?—A. They took Mr. Lash and Tompkins.

Q. Did you find any prisoners when you got there?—A. Mr. Walters was a prisoner with his assistant Mr. Hannipin.

Q. Were you kept under guard at Walters and Baker's store?—A. Yes, all the time.

Q. That would be on the night of the 18th still?—A. Yes.

Q. Tell me if anything of importance took place that night?—A. They took Louis Marion a prisoner on the 18th, about nine or ten o'clock, and during the night I heard some one call down stairs to go and cut the telegraph wires. I heard a noise as if they were going, and then several hours afterwards I heard them saying they saw a lantern, that some one was repairing the telegraph, I heard them as if they were starting off again.

Q. Did they bring in any more prisoners that night?—A. They brought back Peter Tompkins and McKean, who had been repairing the telegraph.

Q. What took place on the 19th?—A. On the morning of the 19th, they sent us back to the church again.

Q. Were you kept there all that day?—A. Yes.

Q. As prisoners? A. Yes, as prisoners.

Q. Was the prisoner giving orders? A. Yes, he appeared to be at the head of affairs. He was giving orders.

Q. What was the chief event of that day as far as you can remember?—A. He was giving orders to go and take William Boyer and Charles Nolin prisoners.

Q. Did you hear him say why they were to be taken prisoners?—A. Because they would not take up arms.

Q. Did he say anything about, because they had been movers up to that time?—A. Because they had been movers, and had left it at the time of taking up arms.

Q. Was Nolin tried?—A. About his trial I cannot say exactly, I heard Riel saying he ought to be shot or that they should shoot him.

Q. You understood Nolin and Boyer were to be shot?—A. Yes, both of them.

Q. And because they would not join the movement in taking up arms?—A. In not taking up arms.

Q. Where did they take you from the church?—A. In the evening they offered to take our word of honor we would not try to escape, and they gave us a book to put our names down, and they told us we would be more comfortable down at Garnot's house, and they took us down there, with the big guard in addition to our word of honor.

Q. Coming to the 20th the next day, can you tell us anything of importance that occurred on that day?—A. Yes, somewhere about the middle of the day Riel came down to see the prisoners.

Q. While you were at dinner?—A. Yes, while we were at dinner.

Q. And addressed you all?—A. Yes addressed us all.

Q. Did he say anything to any of you particularly?—A. Well he told Mr. Walters. Mr. Walters asked him why he was keeping him prisoner, if he would not give him his liberty, and Riel said he would think over it, and that he would give him his liberty. He says to Lash: "We will offer you the same position in our Government which you hold under the Dominion as Agent, that is if you will accept of it."

Q. After that did he take you to the council house?—A. He told me he wanted me at the council house, so I went to the council house.

Q. What did he say to you there?—A. He told me he was going to give me my liberty and they would read my penalty for my crime, my offence.

Q. Did he make any further promises there?—A. Yes, he would let me go on condition that I would not do anything against the movement.

Q. What did you say to that?—A. I said I preferred he would leave a guard over me, that I could hardly consent to that.

Q. Was anything else said? did you see Maxime Lepine there?—A. Yes, I saw Maxime Lepine there.

Q. Did he take part in any conversation you remember?—A. Yes, he was one of the councillors.

Q. Do you remember anything he said?—A. No, I cannot remember now.

Q. When you told him you would rather he would keep a guard over you, what took place?—A. They took me in and read my crime to me.

Q. What was your crime?—A. Communicating with the police.

Q. Was this before the council?—A. Yes.

Q. Who appeared to be in the chair?—A. Albert Monkman and Garnot.

Q. What was Garnot acting as?—A. Secretary of the council.

Q. They read over to you your offence?—A. Yes, they read over to me my offence and my penalty.

Q. What was your offence?—A. Communicating with the police, and insulting Gabriel Dumont.

Q. What was your penalty?—A. They took my horse and cutter and robe.

Q. They were to be confiscated?—A. Yes.

Q. You were to be given your liberty on the condition that you would do nothing against them?—A. Yes.

Q. That you would be neutral?—A. Yes, I had no alternative, I had to take it.

Q. Your wife and family were at home?—A. Yes, when I arrived home that evening, I found my wife in a great state of excitement about me, it appears Sioux Indians had been through there and told her I was to be shot.

MR. GREENSHIELDS.—There should be a limit to this hearsay evidence.

Q. From the 20th March till the 14th May where were you?—A. I was at home.

Q. Where you within the line of guards of the rebel position?—A. Yes.

Q. You had frequent occasion of seeing armed parties?—A. Yes they were passing and repassing all the time.

Q. Did you see Indians in arms too?—A. Yes.

Q. Did you have any of the rebels quartered on you during that time?—A. Yes, they told me my property was public, every body's property was public.

Q. The prisoner and others with him took whatever they saw fit?—A. Yes.

Q. Did they ever speak with you about what they intended to do, or you with them?—A. Well after the Duck Lake fight most of them were frightened. They saw they had put their foot in it, and they did not know how to get out of it.

Q. Do you know the day of the Fish Creek fight?—A. Yes.

Q. What date was that?—A. On the 24th of April.

Q. How far is Fish Creek from your home?—A. About twelve miles.

Q. Did you see the rebels going down to Fish Creek?—A. Yes, I saw them.

Q. Did you see them returning?—A. Yes.

Q. Had you any conversation with any of them on returning?—A. Yes, when they were returning there was a wounded man brought into my house, one who was wounded at Fish Creek.

Q. Did you see Riel among the men who went down?—A. No I did not. I could not see them well enough to identify them, I would not expose myself that much, I was hiding.

Q. Did't you see Riel returning from the direction of Fish Creek before the fight?—A. No, I did not.

Q. Did you ever see Riel armed?—A. I saw him with a revolver.

Q. On what occasion was that?—A. That was while I was a prisoner.

By MR. FITZPATRICK.

Q. You saw Riel in connection with the present difficulty for the first time last July or August?—A. Yes, somewhere in July or August.

Q. You knew the circumstances under which he came into the country? A. I believed he was sent for, as far as I heard.

Q. At the time you first saw him, there was a certain amount of agitation in the country, was there not? A. Yes Sir.

Q. The agitation was to obtain by constitutional means to redress certain grievances that the Half-breeds pretended to exist? A. Yes.

Q. That agitation had been going on for some years?—A. Yes.

Q. Riel told you when you first saw him that he had come for the purpose of taking part in that agitation at the request of the persons interested? A. Well, I could not say he exactly said that, but I understood he came for that purpose.

Q. You saw him frequently from July last up to the month of March?—A. Yes.

Q. Did you, during all that time, hear anything either from himself or any person else which would lead you to believe that any thing in the shape of a rebellion was intended by him? A. No Sir, not till the 17th of March.

Q. During all that time he lived in the country, and took part in all the movements that took place? A. I believe he did.

Q. It was a matter of common report he took part in all those movements?—A. Yes.

Q. You never heard any extraordinary remarks passed with regard to him until the 17th March? A. No.

Q. You know that different petitions had been in circulation in the country and had been forwarded to Ottawa?—A. I believe they had.

Q. You were also aware that as late as the month of February last, a petition was prepared under the direction of the prisoner, which was signed by yourself, and which was sent to Ottawa, or of which you approved?—A. I might have approved of it, but I never signed it. He showed me a petition, some time in August, I think; but I never heard of it being taken around to be signed.

Q. Did you hear of anything in February?—A. No.

Q. At the time of that meeting which you referred as having taken place on the 24th February?—A. No, I had heard the Government had refused Riel, that they would not have anything to do with him.

Q. Do you know whether any answer had been given to any petition that had been sent in? Any answer by the Government?—A. I believe not. I never heard of any.

Q. It was a matter of common report previous to the 17th March, that the police force was being increased?—A. Yes, there was some talk of it.

Q. That was generally considered among the people there as being the answer to their petition?—A. I could not say.

Q. Was not that the general opinion formed by the public report circulated at that time?—A. I could not say.

Q. After Riel came into the country at the request of the Half-breeds do you know, of your own knowledge, that he was very poor?—A. Yes.

Q. You know a subscription was made up for the purpose of enabling him to exist in the country?—A. Yes, a subscription was made.

Q. You know he also desired to return to Montana again?—A. Yes, there was something said about him returning to Montana.

Q. You said that the first time you heard of anything in the shape of an armed rebellion was on the 17th March?—A. Yes.

Q. Up to that time there had been nothing of that kind spoken of in anyway to your knowledge?—A. No, there were some reports in the papers.

Q. But among the people, among your neighbors?—A. No.

Q. When did you first see Riel after the 17th?—A. On the 18th.

Q. You saw him at the time he took possession of the church?—A. Yes.

Q. You heard what he said to the priest at that time?—A. Yes.

Q. Up to that time had you heard him make any remark derogatory to the priests?—A. Yes.

Q. When?—A. In the month of February, I think.

Q. Towards the end of February?—A. Somewhere in February.

Q. At that time did he not have a difficulty with Father Moulin, just state what that difficulty was?—A. He accused Bishop Taché and Bishop Grandin of being thieves and rogues.

Q. Made a general onslaught on all parties connected with the Roman Catholic Church?—A. Yes.

Q. Didn't you clearly understand at that time that this man declared publicly that he had ceased to belong to the Roman Catholic Church?—A. No.

Q. Didn't he say at that time that the priest was entirely outside of the church that he was a protestant?—A. No.

Q. What about the word, protestant, you used in your examination in chief?—A. He said that on the 17th of March.

Q. The difficulty with Father Moulin was in March?—A. Yes, and in February.

Q. In March he said the priest was a protestant or something to that effect?—A. Yes.

Q. Did you consider at that time he acted as he had acted when you first knew him in July or August with reference to the priests and religion?—A. No, he acted very much otherwise.

Q. Now, can your memory enable you to say what he said at that time on the 17th March, in his difficulty with Father Moulin?—A. It was on the 18th March.

Q. State what took place, the words that were used and how he acted, on that occasion?—A. He said the spirit of God was in him and Father Moulin said he was making a schism against the Church, and Riel said Rome had tumbled, *Rome est tombée*.

Q. Proceed if you please, he said the Pope of Rome was not legally Pope?—A. Yes.

Q. He said the episcopate spirit had left Rome and come into the North-West Territories?—A. No, he did not say that.

Q. Did he say anything of that kind?—A. He said the spirit of God was in him and that Rome had tumbled, and he could tell future events.

Q. Did he state the reason why Rome had tumbled?—A. No, he did not give the reason.

Q. During July, August, September and October, immediately after his return to this country he attended church as Roman Catholic generally do?—A. Yes, he acted very devoutly.

Q. The first time you heard of the rebellion, heard it talked of was at this time of the 17th March, and it is on that day he gave expression to this extraordinary language you have just told us about?—A. Yes, on the 18th of March.

Examined by Mr. BURBRIDGE.

Q. When you told Mr. Fitzpatrick you understood the government had refused Mr. Riel, I understand you to be referring to Mr. Riel's own personal claims, is that what you mean?—A. No, I said the government had declined to accede to Riel's terms?

Q. You were referring to Riel's own claims?—A. Yes, from what I understood, it was his personal claims.

The Court then adjourned till July 29th.

Regina, wednesday, July 29th, 1885.

Court reassembles at 10 A.M.

GEORGE KERR, sworn, examined by Mr. Casgrain.

Q. You live at Batoche, I believe?—A. Yes.

Q. How long have you lived there?—A. I went there in November, in 1884.

Q. Do you know the prisoner?—A. Yes.

Q. Well between November 1884 and the outbreak of the rebellion, what happened at Batoche? Did anything happen that you know of?—A. No, meetings were held.

Q. What was the first intimation you had of the outbreak of the rebellion?—A. Meetings were held alternatively at different places, and they called at our store.

Q. Who held the meetings?—A. I do not know; the council, I guess.

Q. They called at your store?—A. Yes, they called there, we were dealing with them.

Q. Who were they?—A. Mr. Vandal and Mr. Norbert Delorme, I do not know any more of them I think.

Q. When was this?—A. In January and February.

Q. You keep store at Batoche?—A. Yes.

Q. In partnership with your brother John Kerr?—A. Yes.

Q. What did they do at your store?—A. We traded with them for cattle and furs.

Q. Did they call at your store after this?—A. They always called at the store and traded there as a general thing.

Q. What was the first intimation you had of any outbreak or insurrection?—A. The first intimation of any outbreak was on the 18th of March.

Q. What happened on the 18th March?—A. On the 17th March there was a rumor circulated around the store that a meeting was to be held at Batoche.

Q. By whom?—A. Gabriel Dumont and Riel, the prisoner.

Q. Well, what happened then?—A. That is on the 17th, on the 18th he came down to the store.

Q. Who came down to the store?—A. The prisoner himself.

Q. Who with?—A. There was a good many followers of his.

Q. Can you give the names of any?—A. Yes, I can. I can name some, Jean Baptiste Vandal, Joseph Vandal, that is all I can name.

Q. How many were there about?—A. About 50.

Q. What did they do at the store?—A. Riel came into the store and demanded my guns and ammunition, just asked for them.

Q. What did you say?—A. I told him they were up on the shelf. The store was with cross beams and the guns were on the cross beams, I told him to take them.

Q. Did they take them?—A. The Half-breeds jumped around to take them, and he said, "who is boss here"? I told him I was, and he said "they have no right to go behind your counter."

Q. Were you boss there at that time?—A. Yes.

Q. How did you allow them to take your guns?—A. I told them to take them.

Q. What happened?—A. He went away.

Q. Who went away?—A. The prisoner. He told me then, he says "give my men what they want, and charge it."

Q. To whom?—A. He did not say to whom. I told him to take whatever he wanted in the store.

Q. Did he come back to your store?—A. No, he did not come back at all. I wrote him a letter the next morning to know if my brother and I could go down about three miles to find out where our cattle were.

Q. Did he give you permission?—A. Yes, he sent up word that I could go.

Q. When they went to your store the first time, were the men armed?—A. Yes, they were all armed.

Q. How much ammunition did they get at your store?—A. A keg of powder and six English double barrel shot guns.

Q. Anything else?—A. Yes, a box of Ballard Rifle cartridges.

Q. He gave you permission to go and get your cattle?—A. Yes, to go five miles.

Q. Did you go?—A. Yes, we went up and my brother and I stopped about two hours I think at Pellar's house, that is about three miles from where the store was; when we were coming back, we met a load of Half-breed women and Indians with packs on their backs.

Q. Did you recognize any of them?—A. They had some frying pans which were ours. I said to my brother: "Jack, these are ours." He said "no." I said "I think they are." I went to one of the women and asked her and she said they had broken into the store and taken everything out. We walked on down to the store and when we went into the store there were four or five Indians pulling nails out of the beams, the store was upside down and the Fairbanks scales were turned upside down, nothing was left in the store at all.

Q. What day was that?—A. On the 18th.

Q. Did anything happen on the 19th?—No, that was the 18th.

Q. Is that all that happened on the 19th?—A. Yes, that is all that happened on the 19th.

Q. Do you know anything else that happened that day?—A. No.

Q. What happened on the subsequent day, the 20th March?—A. No, I don't know, I was not allowed to go away. I promised Riel I would not leave my place of business and I kept myself reserved.

Q. Did the prisoner give you any orders?—A. No, he asked me if I would promise him not to leave my place of business. I told him I would and I kept my word.

Q. Did you leave your place of business?—A. No.

Q. Did you stop there all the time?—A. I went down to Mrs. Venn's

Q. What for?—A. I was stopping there.

- Q. Did you get back from Mrs. Venn on the 19th?—A. Yes.
- Q. Did anything happen to you on the 20th?—A. Yes.
- Q. Were you always at liberty there?—A. Yes.
- Q. Do you know anything about the council that was formed there at Garnot's?—
A. Yes.
- Q. Under what circumstances did you become acquainted with the council?—A. I do not know as I can you give any information. I know the whole of them pretty well.
- Q. Were you at any time arrested?—A. Yes.
- Q. Whom by?—Yes, by Solomon Boucher, Modeste Rocheleau.
- Q. Were they armed?—A. Yes.
- Q. Where were you taken to?—A. To Mr. Ludger Gareau's house, a French Canadian's house.
- Q. Whom did you see there?—All the men were there.
- Q. Who were there?—A. I cannot tell you all the names, Norbert Delorme, Charles Nolin and Boyer who keeps the store there.
- Q. William Boyer?—A. No.
- Q. Jean-Baptiste Boyer?—A. No.
- Q. Joseph Boyer?—A. No.
- Q. A man of that name who keeps the store?—A. Yes.
- Q. How many were in that room?—A. I suppose 50 or 60.
- Q. Were there any arms around?—A. They were standing at the door with those double barrel shot guns.
- Q. Did you see the prisoner there?—A. No, I did not see him, he was upstairs.
- Q. How do you know?—A. I met him when I went in first.
- Q. Did he say anything to you?—A. No, not just then.
- Q. Any time on that same day did you see him?—A. Yes, he came downstairs and told the council that he had always found us very decent fellows, he said of course they may have done something that has escaped my memory, but he says "if they have, excuse them."
- Q. Who was in command?—A. Gabriel Dumont as far as I was concerned.
- Q. In command of what?—A. He appeared to be in command of the whole outfit, as they say in this country.
- Q. What did the prisoner do there?—A. I don't know, he was upstairs, when he came down he came to the council and he says "perhaps something has escaped my memory, if there has," he says "excuse them." And he says: "These prisoners are in your hands, do as you like with them." And he said: "They always acted kindly with me."
- Q. How was this council constituted?—A. Philippe Garnot was at the head of the table.
- Q. What was he doing?—A. He was there. He had a book, sitting down. He got up and said: "Messieurs les conseillers, these men have come here and we want to know what to do with them." He talked like that and they came over.
- Q. Who came over?—A. Dumont and Delorme.
- Q. Did you say the council was sitting there?—A. Yes.
- Q. They were in session?—A. Yes.

- Q. Were any charges made against you before the council?—A. Yes, three charges.
- Q. What were they?—A. One charge was that my brother had telegraphed with George Ness to major Crozier, another charge made was that we wanted to get our cattle away from Batoche, and that we wanted to get to the telegraph officers and evade the vigilance of the police.
- Q. What action was taken upon those charges?—A. They could not prove anything and they let us go.
- Q. I understood you to say that the prisoner was in the house all the time?—A. Yes, upstairs.
- Q. Did he know what was going on?—A. Yes. No, I don't know, he was upstairs with the priest.
- Q. He came down you said?—A. Yes.
- Q. Did you answer these charges?—A. Yes, of course.
- Q. You were acquitted?—A. Yes.
- Q. What was the state of that part of the country?—A. Greatly agitated.
- Q. Is not that a mild word? Was it only greatly agitated, what do you mean?—
A. I mean that the whole country was excited, something like that.
- Q. What do you mean by excited?—A. That every man was taking care of himself as near as possible.
- Q. Did you see any people under arms, other than those you saw in this council?—
A. Yes, all around the council chamber they were under arms.
- By Mr. FITZPATRICK.
- Q. When did you first see Mr. Riel?—A. I met him in November.
- Q. Of last year?—A. Yes.
- Q. You were aware he was in the country from November up till March, till the fight at Batoche?—A. Yes.
- Q. Did you have occasion to attend any of the meetings which were held in the country during that time?—A. No, I did not.
- Q. Do you know the nature of those meetings of your own knowledge?—A. No, I do not.
- Q. Do you know for what purpose they were held?—A. No.
- Q. Did you at any time attend any meeting at which Riel was present?—A. Yes.
- Q. What time was that?—A. I think in January.
- Q. Last year?—A. Yes.
- Q. Can you remember what took place at that meeting, was it a political meeting?—
A. No.
- Q. What kind of a meeting was it?—A. A presentation to Riel of some money.
- Q. Money gathered by the people of that place?—A. Yes.
- Q. Did you hear anything there about the Government in reference to the grievances?—
A. No, not a word.
- Q. What took place at that meeting?—A. My brother and I were invited to go to the meeting, I gave one dollar toward it myself. We were invited to the supper, and the prisoner was there. I guess the whole people were there. There were about 150 in

Baptiste Boyer's house. There was a pretty good spread, after the thing was started he made me and my brother sit at the first end of the table.

Q. Were any speeches made at the table?—A. Yes, Riel proposed the health of Our Sovereign Queen Victoria.

Q. Riel did that?—A. Yes.

Q. Did you see the prisoner after that meeting?—A. I saw him when I left that night.

Q. Did you see him any other time between the time after that meeting and the 19th March?—A. No, I did not.

Q. Did't have any conversation with him at all?—A. No.

Q. Have had no intercourse with him?—A. Not since then.

Q. Never attended any meeting held by him of the council?—A. No.

Q. Do you remember a meeting about the 24th February, at the church?—A. No, I was not there at all.

Q. You are quite certain about that?—A. Yes.

Q. You said these people broke into your house the time you went away for your cattle?—A. Yes.

Q. Did the prisoner approve of their doing that, did he counsel it?—A. No, I wrote to him the next morning about it, and I got a letter back saying that he did not advise them in any way at all.

Q. Protesting against it?—A. Yes, protesting against it.

Q. Did Riel take your part before the council?—A. Yes, he took my part.

Q. Did you notice anything peculiar about Riel at the time you saw him, did he give you any explanation as to his plans or programme?—A. No, he never spoke about that at all.

Q. He never mentioned his political programme?—A. No.

Q. Never gave you to understand what he proposed to do?—A. No, I did not know him very well, only sometimes to meet him.

Q. At the meeting where he proposed the health of the Queen, do you remember under what circumstances he proposed it?—A. No. Philipp Garnot came with that paper and I put my name down for one dollar, and they asked me to go down.

Q. Riel, you say, proposed the health of the Queen at that meeting?—A. Yes.

Q. Was there any treason talked?—A. No, not a word.

Q. They were all pleasant together as loyal subjects?—A. Yes.

Q. How long have you been in that section of the country?—A. About a year.

Q. You knew that there were meetings being held alternately in the vicinity of Batoche?—A. Yes.

Q. By all the people?—A. Yes.

Q. You knew that Nolin took an active part in these meetings?—A. Yes.

HENRY WALTERS sworn, examined by Mr. Scott :

Q. Where were you living in March last?—A. Batoche.

Q. What was your occupation?—A. Keeping store.

Q. Was it your own store?—A. I had a partner.

Q. What was your partner's name?—A. Baker.

Q. And the firm's name?—A. Walters & Baker.

Q. On which side of the river was your store?—A. On the West side.

Q. Is there any houses there besides your own store?—A. There is only one house close, belonging to the firm.

Q. Batoche proper is on the East side?—A. Most of the stores are there.

Q. Were you there on the 18th of March?—A. Yes.

Q. Did anything happen that day?—Yes, that evening this thing broke out.

Q. What broke out?—A. The rebellion. The first act was committed.

Q. What intimation had you of the breaking out of the rebellion?—A. About six o'clock in the evening of the 18th of March I looked out of the store, and I saw a party of armed men driving towards the door, they came up the hill apparently from the East side.

Q. You say about six o'clock in the evening you saw an armed party driving to your door from the direction of the river?—A. Yes.

Q. What did they do?—A. They came to the store and entered it. A man came and spoke to me whom I did not know at the time.

Q. A man whom you did not know spoke to you?—A. Yes, he asked for the proprietor. I said I was the man.

Q. Who was the man who spoke to you?—A. The prisoner is the man. He said : "Well, Mr. Walters, it has commenced."

Q. What did he say to you?—A. I said to him : "I suppose you are Mr. Riel." He said he was. I asked him what he wanted, and he said he wanted arms and ammunition. I told him he could not have them.

Q. Did the conversation continue?—A. Yes he asked me to give them up quickly and peaceably, and he said that if they succeeded in the movement, they would pay me, and if they did not the Dominion Government would pay for them, it would be all right either way.

Q. Did you ask him what had commenced?—A. Yes, he said it was a movement for the freedom of the people, or something to that effect.

Q. Did you ask what movement?—A. Yes.

Q. He said a movement for the freedom of the people?—A. Yes.

Q. Was that before or after he asked for the arms and ammunition?—A. It was before.

Q. When you refused to give up the arms what was said?—A. He argued with me and wanted me to give them up, and I told him that I could not do it.

Q. Was anything done?—A. Yes, they finally took them.

Q. Did you consent?—A. No, they went through some form and put their hands upon my shoulder. Riel ordered the men to do that. I was swanding behind the counter and they forced their way past. I did the best I could to stop them.

Q. They got past you?—A. Yes, there were 15 or 20 to one.

Q. Were all the party armed?—A. 5, 6, 7, or 8 were armed. I did not count the number.

Q. Was the prisoner armed?—A. I did not see anything with him.

Q. Had you any conversation with him? Did you say the intention was to arrest you when they laid their hands upon you?—A. I did not think so at the time I was arrested a few minutes after.

Q. Had you any conversation with the prisoner about the movement, did he say anything beyond what you have told us?—A. No he did not at the time. We talked. I thought he would not succeed but they thought he would. That was about all.

Q. Had you any conversation with him at any other time about the movement?—A. No, not in reference to the movement. He told me what they were going to do when they took the country.

Q. What were they going to do?—A. If successful he told me they were going to divide the land.

Q. How was he going to divide it?—A. One 7th to the pioneer whites, one 7th to the Indians, one 7th to the French Half-breeds, one 7th to the Church and schools and the balance was Crown Lands, I suppose Government Lands.

Q. That is the way?—A. Yes, that is the way I understood it.

Q. Lands of which Government?—A. Government Lands, he did not say which Government.

Q. Did he make any charges against you?—A. The time I was arrested he said that something had transpired which led him to believe I was in deadly opposition to his course, and he would have to detain me.

Q. How long did he detain you?—A. I was allowed to go on the third day. The first night I was kept over my own store. The next morning I was moved across to the church at Batoche.

Q. And kept three days?—A. Not three whole days, only until the third day.

Q. Were you then released?—A. Yes, the prisoner allowed me to go.

Q. You had a conversation with him on the other side of the river?—A. Yes.

Q. Did he say anything about the movement there?—A. No, he did not say anything very particular about it. He said they would have no opposition from Prince Albert. He said the people were friendly, he said if the whites struck a blow, a thunderbolt from heaven would strike them, that God was with their people.

Q. Did you know of any meeting before the beginning of this movement?—A. I only heard of meetings from time to time, I never was at any of the meetings.

Q. Were there any other prisoners besides you detained at the same place?—A. Yes, one young fellow that was with me at the time, and during the evening Lash and his interpreter Tompkins, George Ness, Tompkins and another man that was repairing the line. That is all I saw.

Q. I suppose they took the guns and ammunition from your store, did they take anything else?—Yes.

Q. What did they take?—A. I don't think they were taken at that time. They took it all out before the morning.

Q. Everything out of the store?—A. Pretty nearly everything, some unbroken packages they did not take. They were there when I left.

Q. Do you know who was superintending the removal of the goods?—A. Every one

helped themselves to the clothing and mocassins and in the morning they were carrying away the heavy goods, and Riel was superintending their removal.

Q. Do you say that the prisoner superintended the removal of the goods in the morning?—A. He was giving directions, he was standing up on the seat of his cutter in a prominent position and the Half-breeds were loading up the goods.

By Mr. GREENSHIELDS.

Q. How long have you been living at Batoche?—A. Nearly two years.

Q. Were you aware that there was excitement and agitation going on among the Half-breeds some time previous to this time?—A. Yes.

Q. It was rumoured?—A. Yes.

Q. Had you ever seen Riel before the time he came to your store?—A. No, not to my knowledge.

Q. Did you know that he came to the country last year?—A. I heard at the time that he came in.

Q. You heard that he had been sent for by the Half-breeds?—A. Yes.

Q. Did you know for what purpose?—A. No, I heard that the Half-breeds had grievances.

Q. And they wanted Riel to assist them?—A. Yes.

Q. When this discussion between you and the prisoner took place regarding the division of the North-West Territories was that in the store?—A. No, in the church, next day.

Q. Did you talk about anything else at that time with him?—A. No, what I was thinking about was to try and get away.

Q. Did he tell you that he expected assistance from other powers in this rebellion?—A. No, I cannot say he did.

Q. Are you positive he did not?—A. I have no recollection of his saying so.

Q. Did he say anything about the Germans and Irish?—A. No.

Q. Or the United States?—A. No.

Q. Did you have any conversation with him about his religion at that time?—A. No.

HILLYARD MITCHELL, sworn, examined by Mr. Osler.

Q. What is your occupation?—A. Indian trader.

Q. Where were you carrying on business in March last?—A. Duck Lake.

Q. I believe you are a Justice of the Peace there?—A. Yes.

Q. You had a store at Duck Lake?—A. Yes.

Q. What was the first you knew of this trouble?—A. The first I heard of the actual rising was when I was coming from a place called Sandy Lake to Duck Lake. I was crossing the Saskatchewan when I met one of the priests, and he told me to get back to Duck Lake as the Half-breeds were in arms and intended to take my store.

Q. You heard from him that this was their intention?—A. Yes.

Q. What was the first you saw of the trouble?—A. I went to the Fort and saw Ma or Crozier, and he told me—

Q. He will speak for himself. What date was that?—A. I don't remember the date, it was on Thursday. I don't remember the date of the month, but I think it must have been the 19th.

Q. The Thursday preceding what?—A. Preceding the day of the Duck Lake fight.

Q. What was the first you saw of the prisoner?—A. The first I saw of the prisoner was some time after Christmas. He came to my store then, and that was the first I saw of him.

Q. I speak more in reference to the first time you saw him after the trouble commenced?—A. I saw him at Batoche, after coming from Carlton I went to Duck Lake and from there I went to Batoche.

Q. On a Thursday?—A. Yes.

Q. At Batoche whom did you see?—A. I met Bernard Paul, and I asked him what was the trouble.

Q. You had a talk with him?—A. Yes.

Q. We want to come down to the occurrences with which the prisoner was connected?—A. I went to the river, where I met this man, two miles from the river.

Q. What took place at the river?—A. I saw a great many people around the river. It was then getting dark. I saw that two or three of the people on this side of the river had guns in their hands, people whom I knew. I recognized some of them, and when they saw me they appeared to be getting out of the way. On the other side of the river, I saw a man standing on the hill with a gun in his hand. I went on to the village of Batoche and saw some English Half-breeds waiting with loads of flour. They said they had been waiting all day to be unloaded, and that they had been taken prisoners by Riel. They were loaded with flour, and I saw the loads and they were loaded with flour.

Q. What next?—A. I tried to get as much information as I could. I did not know whether it would be safe for me to proceed, and I did not know how I might be received by these people. I saw Fisher and also Garnot, and their opinion was that I could go into the council room. I asked where the council room was, and Philip Garnot took me to the council room. I did not go into the council room, I went into the priest's house. I saw some people standing outside, and I went upstairs in the house.

Q. Whom did you see?—A. Charles Nolin, Philippe Gardupuy and a small man named Jackson who was walking up and down.

Q. Did you see the prisoner?—A. I saw him after some time, I waited about an hour before I saw him. I said that I wanted to see him, and that was what I came for.

Q. Can you place this date more accurately, do you know the day Walter's store was raided?—A. I am told it was on Wednesday, not on Tuesday.

Q. Was this after that store had been raided?—A. Yes, I left Duck Lake on Tuesday.

Q. This would be Thursday the 20th probably?—A. I think it was the 19th.

Q. Had you a conversation with the prisoner?—A. I had a long conversation with him, he did most of the talking.

Q. Tell us what the conversation was?—A. Some one told me that he was pleased to see me. I went down below, there was no light. He asked me to sit down and said he was pleased to see me, and that kind of thing. I told him I came to find out the cause of this trouble, what it meant. And I said that he need not look upon me as a spy, as I simply came as a friend of the Half-breeds, to give them some advice and try to get them to go home. He went on explaining the cause of the rising. He said that the Half-breeds had petitioned the Government several times to have their grievances redressed, but never got

a proper reply and the reply they were getting now was 500 policemen to shoot them. I told him the whole thing was a false rumour, that no police were coming. There always have been false reports, and I looked upon this one as not true. He said it did not matter whether it was true or not, that the Half-breeds intended to show the Government that they were not afraid to fight 500 men, either he or the others told me that that was said. He went on about the Half-breeds grievances, and he said he had ~~suffered~~ himself, that he had formerly been kicked out of the country fifteen years ago and kicked out of the House. He said a great deal against Sir John and the other members of the Government, particularly against Sir John. He said that he intended to bring Sir John to his feet and talked a great deal of bosh. This was all in the dark, others were in the room, several Half-breeds.

Q. He talked as well of his own grievances?—A. Yes, principally. All he said about the Half-breeds grievances was that they had petitioned the Government, and then he went on with a long string of his own grievances, about his being turned out of the House and having to leave the country. I think he called himself an outlaw. He said he had been outlawed.

Q. He was particularly hard on Sir John?—A. Yes.

Q. Then was there anything else of importance that evening?—A. Of course, I asked him to give some decided answer. I tried to persuade him and the people to go home. I had to be careful as I did not know what ground I was treading on. I did not know what moment they would make me a prisoner, and I did not want to be made a prisoner. He said he was very glad I had come, that my coming no doubt might stop the thing at once, but he said he could not give an answer to me, as it would take some time to consider it. He expressed a desire to communicate with the Government and try and get the grievances redressed through the telegraph. I said for him to have the wire repaired as there would be a great many false reports in Canada. I told him he had done a foolish thing, and asked him to have the wire put up at once, get the grievances redressed if possible and get the thing stopped in that way. I did not look upon it as serious, I thought the thing would simmer down. He said he would give no answer that day, that it would take some time to consider it.

Q. What did you do?—A. I went home.

Q. In going home did you see anything?—A. I saw several men—of course, it was dark when I was going back—I saw several men around the village, loafing about with guns. After I crossed the river, I was stopped by two men on the other side of the hill, one catching hold of my horse. They came alongside the sleigh and asked me if I was free? I said yes. And I was allowed to go on. I came back to Batoche the next day to get a decided answer from the people and to see what they would do, and see if I had made any impression upon them.

Q. What passed that day?—A. I was taken to the council-room and I was told they wanted the unconditional surrender of Fort Carlton, and I was asked if I would make that proposal to the police. I told them it was too absurd, but I said I would be happy to arrange a meeting between Major Crozier and themselves, but I would not make such a proposal myself. Before I came that morning I heard they had got some plan for sending for me. I think I was to carry a white flag ahead of those gentlemen to Carlton, and I was to make the proposal to the people in the Fort. They said if the police did not surrender they would go for them. I think the police were to carry a cross. They told me they were 800 strong. It was not Riel that said that, it was at the Council that it was said. Nolin was the speaker. I asked him to put up the wire. He said he could not, that it was cut below Saskatoon. The two things I asked him about were the release of the prisoners and about the wire.

Q. He refused both?—A. He released Walters and his clerk.

Q. Was this the occasion when Thomas McKay was with you?—A. No, after that

I went to Carlton to try and arrange a meeting between them and the head of the Government, Major Crozier.

Q. The interview you are now speaking of would be on the 20th?—A. On Friday the 20th.

Q. Then you went to Carlton?—A. Yes, and reported matters.

Q. What next?—A. Major Crozier said he was willing to meet Riel man to man with or without an escort, and at any place that suited. I named a place I asked the Major to send a written note to Riel, but he said that it was not necessary, there was no occasion for it. McKay went back with me.

Q. Was it the next morning that you went?—A. We started from Carlton about one o'clock in the morning. We went to Duck Lake. I had arranged with the council to have two messengers ready, so that I would not have to go back to Batoche again, and they would carry the reply of the Major, and I found the two Arcands waiting to get the reply from Carlton.

Q. Did you send it on by them?—A. No, I did not say anything at all about it....

Q. So the interview of the morning of the 21st was arranged, and you and Mr. McKay went forward?—A. Yes, we went over to Batoche.

Q. Whom did you see there?—A. A great many people.

Q. Speaking of the actions of the prisoner, or the words of the prisoner, tell us what took place?—A. On this occasion he was very much excited and he did not like my bringing over Mr. McKay.

Q. What did he say?—A. McKay had some conversation with these people here in my house and these two men and some other men were brought up as witnesses against McKay, that he was a traitor, and they talked pretty roughly to him. Mr. Riel talked very roughly to him and said that the government and the Hudson Bay Company were the two curses of the country, and that he, McKay, was hand and glove with the Hudson Bay Company.

Q. That was spoken of McKay?—A. Yes, and he said if he was not careful his blood would be the first blood shed on this occasion. I told them I had asked Mr. McKay to come as my friend. I told the people he was one of Her Majesty's soldiers, and I told them it was rather rough for them to speak of Mr. McKay in that way. Riel called down and said: If Mr. McKay came as your friend, he is entitled to the same protection that you are, but that is the only thing that saves him.

Q. Then, what else took place?—A. After that, I asked Riel if he would come to the council chamber up stairs, we went up there and I told him the message I had from Major Crozier, that he would meet him man and man at a certain place alone or with an escort, and he got very much excited and said he would not take Major Crozier's word of honor, that I ought to have brought the thing in writing and he asked me to put it in writing. I objected at first but finally I did put it in writing to the effect that Major Crozier would meet either Riel or some one sent for Riel's people if he gave him time.

Q. You made a memorandum of it and signed it?—A. Yes, to his dictation.

Q. Then, what else?—A. He seemed very much excited, and he said something about a war of extermination unless he could come to terms with the government, and he blackguarded the government a great deal, and he blackguarded the members of the government and he said their word was not worth that (indicating with his thumb), that it was no good. I offered to give myself as a hostage, that Major Crozier's word was perfectly good. He said I had nothing to risk and he refused to take it. In fact he refused to meet Crozier, but he named people who would meet him.

Q. Two who would meet him?—A. Yes, of course. I carried this message back to Carlton.

Q. Is that about all that took place on that occasion?—A. Yes.

Q. Did you see many people around the council house?—A. I saw the whole of the population. I saw a great many people there. I considered the whole settlement was there.

Q. Did you see any body armed?—A. Yes they were all more or less armed.

Q. Any Indians?—A. No I did not see many Indians there, but I met Indians coming down.

Q. Did you go back to Fort Carlton?—A. I went back to Duck Lake and then to Fort Carlton with Mr. McKay.

Q. Then did any further meeting take place?—A. I finished the thing there. I told Major Crozier what they had decided upon.

Q. What did you next do?—A. I came back to Duck Lake.

Q. What was the next you knew of it?—A. I met two people who had been named by the Council to hold a meeting. I did not go to the meeting. I only arranged for the meeting. It was Captain Moore who went. I met these two people coming and told them to get there as soon as possible, that it was getting dark and that they should go as soon as possible and then they went on and had their meeting and came back about 9 o'clock, and I had some conversation with Mr. Nolin then. I advised him to escape, he had been a prisoner before and he told me he had been forced into the thing and that he had been condemned to be shot. I told Nolin to tell Riel and the people that I had finished with them and that they must now consider I would have nothing more to do with them, that I had done what I could to quiet them down.

Q. Then was there any formal proceeding or any attempt at formality on the occasion of Mr. McKay and yourself being at the Council house?—A. I don't exactly understand you.

Q. It is said Garnot was secretary and that the council was called together. What do you know about that?—A. There was a general hurrah given and people went up to the Council table. There was a speaker and a secretary.

Q. Was any one called upon to act as secretary?—A. Garnot was secretary.

Q. Philippe Garnot?—A. Yes, at that time.

Q. Where were you on the occasion of the Duck Lake trouble?—A. I was with the troops.

Q. On the occasion of that fight?—A. I was advancing on to Duck Lake with the police and volunteers.

Q. And were you in the fight?—A. Yes; I was in the fight.

Q. And the result was that you did not get to Duck Lake?—A. No, we had to retreat.

Q. You were not able to take possession of your store?—A. We did not get to the store; we were stopped.

Q. By reason of the armed force?—A. Yes.

Q. I believe your store was raided afterwards?—A. Every thing I had was taken away and the place was burnt down, they made that place their headquarters for two weeks, and they cleaned my store out entirely.

THOMAS E. JACKSON sworn, examined by Mr. Osler.

Q. Do you live at Prince Albert, Mr. Jackson?—A. I do.

Q. You are a druggist?—A. I am.

Q. You have been there for some years?—A. Some six years.

Q. Your brother William Henry Jackson I believe was one of the prisoners?—A. He was.

Q. And he had been in the company of Riel immediately prior to these troubles and during the troubles?—A. For some time previous to them.

Q. You had known of the movement and the agitation that was in the country?—

A. Oh yes, and I sympathized with them.

Q. Did you know of the prisoner being in the country?—A. Yes, I knew of his coming to the country. I heard he was coming shortly before he came back.

Q. You knew of him after he came to the country?—A. Yes.

Q. I believe you have seen him write?—A. Yes.

Q. Do you know his handwriting?—A. I know his handwriting.

Q. You went over, I believe, on an occasion shortly after the Duck Lake fight for the bodies of those who were slain?—A. I did, I was one of those who went.

Q. How many days after?—A. Three days after. It was the Sunday after the fight.

Q. How did you come to go, under what circumstances did you take that journey?—A. Mr. Sanderson who had been a prisoner of Riel was released by him to carry a message to Major Crozier to remove the dead bodies, and Crozier had taken him prisoner at Carlton and then took him to Prince Albert; I interviewed Sanderson and asked him about my brother and he told me he was insane.

Q. You were enquiring about your brother from Sanderson?—A. Yes.

Q. It was arranged Sanderson should go?—A. Yes, Sanderson said he was going and offered me to go with him.

Q. And who else went with you?—A. William Drain.

Q. You started I think on the 31st?—A. Sunday the 29th, the Sunday after the fight.

Q. You went to Duck Lake?—A. Yes.

Q. Did you see the prisoner there?—A. I did.

Q. What passed between you?—A. General conversation.

Q. Give us the material part of it?—A. He spoke of having taken up arms, that he had done it in self defence and in talking about the Duk Lake fight, he said he had gone there in person, that after Major Crozier had fired the first volley he replied and he urged his men to fire, first in the name of God the Father, secondly in the name of God the Son and thirdly in the name of God the Holy Ghost, and repeated his commands in that manner throughout the battle.

Q. That is what he told you about the engagement?—A. Yes.

Q. What else did he say?—A. He spoke of the people in the town and the settlers generally. He said he had no desire to molest them, that this quarrel was with the government and the police and the Hudson Bay Co. He wished the settlers to hold aloof from taking up arms in opposition to him, and he said if they held aloof he would

prevent the Indians from joining them. If they kept aloof he was to oppose the police himself.

Q. Did he ask you to do anything in reference to that?—A. He gave me a letter to the people generally stating so.

Q. What have you done with that letter?—A. I have destroyed it.

Q. It is not now in existence?—A. No.

Q. Did you read the letter?—A. Yes.

Q. What was in it, what was the purport of it?—A. To the effect that if the people would hold aloof and remain neutral, that he would not bring in the Indians, and also to the effect at the last part of it, that if they did hold aloof he believed they would celebrate the 24th May, but that if they did not, the Indians would come in and parties from across the boundary and the result would be they would celebrate the fourth of July, some thing like that.

Q. What was he going to do with Prince Albert?—A. He said he would give them a week to decide whether they would accept his terms or not.

Q. And in the event of their not accepting his terms?—A. That he would take the place. He said Prince Albert was the key of the position and that he must attack it. He said that if the settlers did not stay at home but kept in town with the police, he would attack them all.

Q. Whom did you arrange with to get the bodies of the slain?—A. We requested first some assistance from him, that some of the Half breeds would go with us to remove them, but there was some discussion about it, and when they learned that major Crozier was suspicious of them, he refused assistance, and the French Half-breeds also he refused to let go; in fact, I believe the suggestion came through some of them in the first place, and in consequence we had to go and remove them ourselves.

Q. Who was in charge there, who were you taking orders from at Duck Lake?—A. Mr. Riel.

Q. Who was giving orders?—A. Riel.

Q. Anybody else?—A. Nobody else.

Q. Then you went to get the bodies?—A. Yes.

Q. I believe he showed you the bodies that had been slain on their side?—A. Yes he did, just as we were leaving.

Q. Then you made another visit within the rebel lines?—A. Yes, about a week later.

Q. What was the occasion of that visit?—A. I heard from a Half-breed named Toussaint Bussières that Albert Monkman and 15 men were in charge of the prisoners at Fort Carlton, and that my brother was with them, and they left them across the South branch to attack general Middleton and I thought it would be a good opportunity to get my brother away. I knew Monkman, and I thought he would give him up. I obtained a pass from Irvine and went after my brother.

Q. What did you find when you got there?—A. I went to Carlton first and then to Duck Lake. I found Carlton was burned down and I found Duck Lake in ashes. I went to Batoche and arrived there on the Tuesday after.

Q. What is the date?—A. About the first of April; no, about the 4th of April probably.

Q. You reached Batoche when?—A. That was some time on the Tuesday.

Q. When had you left Prince Albert?—A. On the Saturday.

Q. That was the fourth of April?—A. I reached Batoche on the fourth of April, on the Tuesday following.

Q. That would be the seventh April?—A. I suppose so.

Q. Then did you see the prisoner after you got there?—A. Yes, I did.

Q. Had you any conversation with him?—A. I had.

Q. This was where?—A. On the South side of the river.

Q. The day you got there was the day of the fight?—A. The day I got there?

Q. You had a talk with him about your brother?—A. Yes.

Q. Did he say what was the matter with your brother?—A. He said he was sick, he said his mind was affected, he said it was a judgment on him for opposing him.

Q. He seemed to know his mind was affected?—A. Yes.

Q. Did you find his mind was affected?—A. I did.

Q. How were they considering him, as a sane or insane man?—A. Allowing him his own way, but they had a guard over him.

Q. Did Riel speak as to what was best to do with him or what they were doing with him?—A. Yes, he thought he would improve there but I applied for permission to get him away. Riel said he was getting along very nicely there and that he would recover.

Q. He did not let you take him away?—A. No, he refused to do so.

Q. Then did you make any formal application to get him away?—A. I did to the Council.

Q. And it was refused, I believe?—A. Yes, it was refused.

Q. What kept you in the camp?—A. They refused to let me go or my brother either.

Q. Giving any reason?—A. Yes, I heard a discussion. I was upstairs in the council room, and I had spoken to Albert Monkman to speak in my favour and I heard them discussing the matter. Of course they spoke in French and I did not understand, but Monkman was speaking in Cree. Riel came down to the room and commenced to eat, and while he was eating Monkman kept on talking, and he rushed upstairs and attacked Monkman, and in the course of his remarks he accused him of not doing his duty with the English Half-breeds, that he had not brought them up with 20 men he had sent for them. Monkman defended himself and there was a discussion about it. Monkman said the reason he did not bring them was because one man said he would if another would, and Riel told him he had given him these 20 armed men to bring the leading men of the English Half-breeds by force.

Q. And what Riel was complaining about was that the orders had not been obeyed?—A. Yes.

Q. And Monkman was excusing himself?—A. Yes.

Q. Did you hear any discussion after your arrival there as to what they should do, as to any places that should be attacked?—A. They talked about attacking Prince Albert; but I believe they were waiting for the Indians to join them in greater numbers.

Q. Had they Indians there?—A. They had Indians there.

Q. At this time about the 8th of April, could you form any idea as to the number of men under arms?—A. I could not say, I was told when I first arrived there they had 1800, but I did not believe it. They said they were in houses near by. Afterwards I was told by English Half-breeds that there was only about 700.

Q. Then do you remember an occasion of a false alarm, do you remember anything being done by Riel on that occasion?—A. On one occasion I remember he rushed to the church and brought out the crucifix and ran around among the houses calling out the men and insisting all should come, and I saw him go out and choose the ground upon which to defend themselves, expecting an attack from the Humboldt trail.

Q. He went out and arranged the ground and warned the men?—A. Yes, he urged them all to fight and made preparations for the defence.

Q. Did he ask you to do anything for him?—A. Yes, the first night I was there he intimated he would like me to write some letters to the papers and place a good construction on his acts.

Q. Wanting you to write to the Eastern papers?—A. Yes, to place a favourable construction on his action in taking up arms.

Q. Do you remember anything, any particular matter he wanted?—A. I refused to do so at first, because he had not allowed me my liberty and had taken away my brother. In my application to the council, I said unless they showed me some consideration they could not expect any consideration from me in writing letters. After the Fish Creek fight, I thought the thing was going to last all summer, and I commenced to write for him.

Q. Then do you remember Riel asking you to write any particular matter with reference to himself?—A. Yes, he claimed that he had applied to the Government for an indemnity through D. H. Macdonald, and in reply the Government had made use of some expressions.

Q. What indemnity had he applied for through Macdonald?—A. For 35,000 dollars

Q. For what?—A. For supposed losses through being outlawed and his property being confiscated.

Q. That was the money he wanted from the Dominion Government?—A. Yes.

Q. He did not tell you how he made up the account?—A. No. He claimed in all, his claim against the Dominion Government amounted to 100,000 dollars.

Q. Did you know from him anything as to his personal motives in taking up arms?—A. Yes, he disclosed his personal motives to me on this occasion. He became very much excited and angry, and attacked the English and the English constitution, and exhibited the greatest hatred for the English and he showed his motive was one of revenge more than anything else.

Q. Revenge for what?—A. For his supposed ill-treatment, his property being confiscated and he being outlawed.

Q. Did you hear anything about the Half-breed struggle?—A. Yes, he spoke of their grievances.

Q. In his communications with you whose grievances were the most prominent?—A. I think his own particular troubles were the most prominent, of course he spoke of the Half-breeds troubles.

Q. Were you put in close confinement at any time?—A. Shortly after this outburst, he placed me in confinement with my brother.

Q. Had you refused to write for him in this way?—A. Yes, and it was in reference to discussing that that he became excited, and it was shortly after that he placed me in close confinement.

Q. You were kept with the other prisoners?—A. No, I was kept by myself with my brother. They would not allow me to communicate with the other prisoners.

Q. When you were placed in close confinement had you any conversation with him?—A. He came in on one occasion and accused me of trying to incite an English Half-

breed named Bruce to desert. He said I had been speaking with him, and if he could prove I had been inciting him, it would go hard with me.

Q. Had you any other interview with him while you were in close confinement?—A. Not just then. Shortly after General Middleton approached Batoche, he placed us in the cellar of George Fisher's house. The first day he took me up to attend to the wounded in case there should be any wounded, and he had some talk then in regard to the wounded, and he asked me if I would attend to them as well as if nothing had happened between us?

Q. Did you attend to the wounded?—A. No, they suspected I was going to desert, and they put me back in the cellar that night.

Q. Did anything material happen till the 12th May?—A. No.

Q. What happened then?—A. On the 12th of May a Half-breed opened the cellar and called out and said Riel was wounded, I came up to the council room and presently Riel entered with Astley, and as soon as he came in he told me Middleton was approaching and if he massacred the families, he would massacre my brother and the rest of the prisoners and he wished to send both of us with messages to Middleton.

Q. Were you to deliver the message?—A. I was.

Q. Did you see Riel write the message?—A. Yes, I did.

Q. Is this the message (produced)?—A. I believe that is the message.

Q. By whom was it written?—A. Written by Riel (The message alluded to is exhibit 2)

Q. Do you remember what you did with this message?—A. I believe I delivered it to General Middleton.

Q. You don't know?—A. I don't remember the fact, but I believe I did.

Q. With that message you left the camp?—A. I did.

Q. The rebel camp?—A. Yes.

Q. And I believe you did not go back?—A. I did not go back. I did not go directly to Middleton because he changed his mind at the last.

Q. Who changed his mind?—A. Riel. He took us down about a mile and a half and he ordered me to go to Lepine's house and wave a flag in front of it.

Q. Just to go back for a moment, did you ever see the prisoner armed?—A. I did on one occasion.

Q. When was that occasion?—A. It was some time after the Fish Creek fight.

Q. Who was in charge at Batoche?—A. Riel.

Q. Who instructed the movement of the armed men?—A. Well Gabriel Dumont instructed them immediately, but Riel was over him.

Q. Do you remember what he did on the occasion of the Fish Creek fight?—A. He went out with 180 men the night before and returned with 20, thinking there might be an attack on Batoche from Prince-Albert or Humboldt or from the other side of the river, as he knew General Middleton's forces were divided.

Q. You said you know the handwriting of the prisoner?—A. Yes.

Q. Look at this document dated St. Antoine 21st March 1885, in whose handwriting is that?—A. Louis Riel's (Document put in, exhibit 5)

Q. Is all this writing on the third page his?—A. Yes it is all his writing.

Q. These signatures are in Garnot's writing?—A. Yes, they seem to be Garnot's.

Q. In whose handwriting is this document?—A. Louis Riel's (Document put in, exhibit 6).

Q. In this paper in the writing of Louis Riel?—A. Yes, that is his writing (Document put in, Ex. 7).

Q. Are the two papers attached here in Riel's hand writing?—A. Yes. (Document put in, Ex. 8).

Q. Is this document in Riel's handwriting?—A. It is. (Document put in, Ex. 9).

Q. Perhaps you can tell me the meaning of the word 'ex ovile'?—A. It means one of the flock.

Q. Is this letter in the handwriting of Riel?—A. It is, with the exception of a piece of back-hand, which appears to be in Philip Garnot's writing. (Document put in, Ex. 10.)

Q. In whose writing is this?—A. Riel's. (Ex. 11.)

Q. Is Ex. 12 in Riel's writing?—A. Yes.

Q. Ex. 13 and Ex. 14 are both in Riel's handwriting?—A. Yes, it is all Riel's.

Q. Are these five sheets, comprising Ex. 15, in Riel's writing?—A. They are all in the handwriting of the prisoner.

Q. Ex. 16 is in the handwriting of the prisoner?—A. Yes.

Q. And Ex. 17 is in his handwriting?—A. Yes.

Q. Ex. 18, is this document in his handwriting?—A. It is all but the last signature.

Q. Ex. 19, is that in the handwriting of Riel?—A. Yes.

Q. It is Riel's signature that is to this document?—A. Yes. (Document put in Ex. 20.)

Q. The body of the writing, is that Riel's?—A. No.

Q. But the signature is?—A. Yes.

Examined by MR. FITZPATRICK.

Q. You know nothing more of the documents that have been shown you except that you know they are in the handwriting of Riel?—A. That is all I know.

Q. You don't know if they ever left Riel's possession or not?—A. I don't.

Q. You said, at the beginning of your deposition, that you were aware of a certain amount of agitation going on in the Saskatchewan district during last autumn and fall?—A. I did.

Q. Will you explain the nature of that agitation?—A. That agitation was for provincial rights principally, also for Half-breeds' claims, and also against duties and such things as that. We felt the duties onerous.

Q. A purely political agitation?—A. Yes.

Q. You were in sympathy with the agitation?—A. Yes.

Q. You were aware Riel was brought into the country for the purpose of taking part in the agitation?—A. He was brought to this country on account of his supposed knowledge of the Manitoba Treaty.

Q. The people of the Saskatchewan district were of opinion that Riel could be useful to them in connection with the agitation?—A. Well, he was brought in principally by the Half-breeds. The Canadians knew nothing about it till he was very nearly here.

Q. Almost the whole of the people in that district had joined together for the purpose of this agitation?—A. They had.

Q. That agitation had been going on for a considerable length of time?—A. For some time.

Q. Can you say for about how long?—A. Five or six years, or longer.

Q. Did you attend any meetings held by Riel?—A. I attended the meeting in Prince Albert.

Q. You were present during that meeting?—A. During the greater part of it.

Q. You heard what Riel said?—A. I did.

Q. What date was that meeting held?—A. I could not say exactly, some time in June or July.

Q. At his first arrival?—A. Yes.

Q. He stated he wished the movement to be entirely a constitutional movement?—A. Purely a constitutional movement, he said if they could not get what they agitated for in five years, to agitate for five years more, that constitutional agitation would get what they wanted.

Q. You knew he continued assisting in the agitation up to the time of the difficulty in March?—A. He was there as a sort of Half-breed adviser principally, he was not a member of the committee, but he was there in the capacity of Half-breed adviser.

Q. Did you at any time hear he wished to resort to any means other than constitutional up to March?—A. Nothing.

Q. You, being an active participator, would naturally have heard of any such intention if it had existed?—A. Certainly.

Q. There was no such movement up to that time?—A. No.

Q. After the 1st of March when did you first see Riel?—A. When I went to Duck Lake.

Q. When had you seen him previous to that time?—A. Some time in January, he was in the town.

Q. Had you conversation with him then?—A. I had.

Q. Did you speak to him about the movement?—A. I dare say I did, but I cannot remember.

Q. Did he, at that time, say anything to you that would lead you to believe that he intended to do anything that was not a constitutional agitation?—A. Nothing of the kind. He never referred to anything that was not constitutional agitation.

Q. At the discussion you had with him previous to March last, it always appeared to you that the ordinary means adopted by the settlers were adopted by him?—A. Certainly.

Q. When you saw him at Duck Lake you spoke to him about your brother and he told you your brother had become insane?—A. He did.

Q. He told you he had become insane because he had opposed Riel, and that he was punished by God for his opposition to Riel?—A. That is what he said.

Q. You never heard such a remark by Riel previous to that time in any of your other conversations with him?—A. No.

Q. Did it strike you as a peculiar remark?—A. No, I don't think so.

Q. You thought it was quite natural such a thing should occur?—A. I didn't agree with it, but I thought it was a very nice explanation on his part to make.

Q. He told you at that time the priests were entirely opposed to him in the move-

ment and were entirely opposed to the interests of the North-West settlement?—A. No, but he said they were opposed to him.

Q. He gave you then to understand the priests were entirely wrong and he was entirely right?—A. Certainly.

Q. In fact they did not know anything they were talking about and he knew it all?—A. He said they were working only for their own interest.

Q. Did he explain to you what his intentions were as to the division of the Territories, what he intended doing when he succeeded in chasing the Canadians out of the country?—A. Some time, probably when I was prisoner, I heard him talk of dividing the country in seven or giving a seventh of the proceeds to assist the Poles, a seventh to the Half-breeds and a seventh to the Indians.

Q. Some more to the Hungarians?—A. Yes, and soon.

Q. You said when you were Riel's prisoner, that it was after the 17th and 18th of March you heard him discussing the future division which he intended making for the Territories if he got rid of the Canadians?—A. Something to that effect, but I cannot remember exactly what it was.

Q. You heard him talking of dividing the country into different parts?—A. I understood it was one-seventh of the proceeds of the sale of the land and taxes would be given to these different people.

Q. Did he then say that he expected any assistance from these people?—A. No, it seemed to be a scheme of emigration more than anything else.

Q. His plan as he then unfolded it, did it appear to be in conformity with the plan you had heard him discussing at the public meetings at which you assisted?—A. Oh! no, altogether different.

Q. Will you look at this document called the foreign policy document, and say if you can see anything on it which would bear out that intention to divide up the country (witness looks at exhibit 15)?—A. Yes.

Q. Do you recognize the handwriting as that of Louis Riel?—A. It is scribbled so that it is difficult to say.

Q. What is on the other side of the sheet is certainly in his handwriting?—A. Yes, it certainly is.

Q. And is the ink on the other side not the same as that?—A. I think it is.

Q. And don't you think the handwriting is also the same?—A. I could not say.

Q. To the best of your knowledge, does it not represent Riel's handwriting?—A. I think it is.

Q. Riel explained to you what was meant by the word exovede?—A. He did.

Q. That it was meant to convey that he was simply one of the flock?—A. Yes.

Q. That he had no independent authority, but simply acted as one of the others?—A. Yes, it was simply an affectation of humility.

Q. You are aware that all the documents signed by him, as far as you know, bore the word exovede?—A. The most of them.

Q. You had several conversations with Riel after the conversation about your brother, on religious matters?—A. After I was taken prisoner, but nothing much on religious matters; he used to talk about his new religion, about leaving the errors of the Church of Rome out and adopting a more liberal plan.

Q. He explained to you his new religion?—A. He explained it as a new liberal religion, he claimed that the Pope had no right in this country.

Q. Did he condescend to inform you as to the person in whom his authority should be invested?—A. No.

Q. You believed from him there was some person in this country who would probably take the position of Pope in this country?—A. I think very likely he intended himself to take the position, that the Pope was in his way.

Q. This took place after you were made a prisoner, this conversation about the new religion?—A. I think so, and he also spoke about it at Duck Lake.

Q. All the conversations you ever had with him in connection with this political movement never in any way referred to this new religion?—A. No, he spoke of religion but merely as ordinary men do.

Q. The first time you heard of this new religion and these new theories of religious questions was after the rebellion had begun?—A. Yes.

GENERAL FREDERICK MIDDLETON sworn, examined by Mr. ROBINSON.

Q. You are a Major-General in Her Majesty's service?—A. Yes.

Q. What position do you hold in Canada?—A. I am commanding the home militia force.

Q. Where do you reside?—A. Ottawa.

Q. Were you called upon for service in these Territories at any time?—A. I was.

Q. When?—A. I think it was on the 23rd March, I was sent for, the 23rd March, by Mr. Caron, and told I should have to leave at once for the North-West.

Q. Mr. Caron is minister of Militia?—A. Yes.

Q. What reason was given you?—A. He told me they had news which was of a very bad character, that a rising might take place, and I was to go at once and he asked when I could go.

Q. When did you start?—A. About two hours afterwards.

Q. What did you do first?—A. I went straight to Winnipeg. On the way to Winnipeg I think it was on the train I heard of the Duck Lake battle. When I got to Winnipeg, I found the 90th was almost ready to march, that a small detachment had been sent to Qu'Appelle and that the Winnipeg Battery was ready, and then I heard more news about Col. Irvine being afraid to go to Batoche as it was in the hands of the Half-breeds, and I heard a confirmation of the Duck Lake affair. I went to the Town Hall and inspected the 90th and that evening I went on the train with the 90th and went straight to Qu'Appelle without stopping.

Q. How long did you remain at Qu'Appelle?—A. I cannot exactly remember. I was there waiting for the formation of the commissariat.

Q. You left Qu'Appelle and proceeded where?—A. Fort Qu'Appelle.

Q. And from that you went to Fish Creek?—A. Yes.

Q. That was the first occasion on which you met the opposing rebels?—A. Yes.

Q. What force was under your command when you got to Fish Creek?—A. When I got to Fish Creek I had the 90th, I had previously divided my forces and put the half of them on the other side of the river, I had under my immediate command the 90th, the so called "A" Battery, with two guns, Boulton's scouts and I think that was all.

Q. How many in all?—A. On paper there would be about 420 or 450.

Q. That was your force at Fish Creek?—A. Yes, as far as I can remember.

Q. And how many men were lost there on your side?—A. I think we had, well I forget the exact number. We lost nine or ten killed and forty wounded.

Q. That was on the 24th April?—A. The 24th April.

Q. You remained there for some short time?—A. Until I could get rid of the wounded. We had a large number of wounded and I could not leave them there. I had not sufficient forces to leave to protect them and I was obliged to wait, and I also wanted oats, but the principal thing was to get rid of the wounded.

Q. Then you proceeded to Batoche?—A. Yes.

Q. When did you arrive before Batoche?—A. About 9 miles from Batoche I struck the trail for Batoche on the 8th and on the morning of the 9th, marched straight on to Batoche leaving my camp standing.

Q. And when did the engagement begin?—A. On the 9th, the instant we got there.

Q. Do you mean you were fired on almost on your getting there?—A. On our arrival we came on the top on the plateau and we saw a large assembly of men, and we opened fire?

Q. That was the beginning of the engagement?—A. Yes.

Q. The engagement continued till the 12th?—A. When Batoche was taken.

Q. I believe you had some negotiations on the 12th?—A. Yes, on the 12th I had moved on the left of the enemy. I moved to the right in order to draw their attention away, and I left orders with my second in command that while I was away, as soon as he heard firing, that he was to retake the old position we had the previous day, and as I drew the enemy off on the right, he was to press on the left. I went off with the cavalry and guns so as to make as much show as possible, and I kept the enemy engaged some little time. In the middle of our engagement there, which was quite at long bows, I saw a man galloping across the plains from the direction of the enemy with a flag. He came closer and it turned out to be Mr. Astley. He handed me a letter and he said "I am one of the prisoners. I have been sent by Riel to communicate with you, and I have brought you this letter."

Q. Is this the letter he brought you?—A. Yes, that is the same letter put in, Exhibit 1. This is my answer on the back of it.

Q. Then what did you do with this letter?—A. I took it from Mr. Astley and wrote my answer and gave it to Mr. Astley who went away with it.

Q. What took place next?—A. The next thing was, a man on foot came up.

Q. Do you know who he was?—A. Yes, he was Mr. Jackson, a brother of the man who was a prisoner. He came up with another document. He had exactly the same story to tell, that he had been sent by Riel, only he was confused. He said he had been told to stand in front of a house with a white flag and eventually he said he found that was a stupid work, and he came on to me.

Q. Is this the document he brought, (Exhibit 2)?—A. Yes, to the best of my belief it is. It is an exact copy of it, because it was a little different from the wording of the other one.

Q. Then what did you do in answer to that?—A. I took no particular notice of it as I had already sent an answer back. I looked upon it simply as a copy and I told Jackson I had sent an answer back by Astley.

Q. How long was it between the time you received the two communications?—A. I should say about a quarter of an hour.

Q. And what took place next?—A. As soon as that was over I did what I principally wanted, I had drawn the fire of the enemy. Mr. Astley said "I think Sir, Mr.

Riel is in a very great state of excitement and I should not wonder if he would surrender." I gave orders and retired my whole force by degrees and fell back upon my camp.

Q. What took place next?—A. When I arrived at the camp I was very much put out and annoyed to find my orders had been misunderstood, and that instead of their having taken advantage of my feint and having occupied the rifle pits, they were all quietly in camp.

Q. Did you receive any further communications?—A. As soon as I found this, I am afraid I used some pretty strong language; the end of it was we attacked. The men were ordered down. I went down myself to the front to see if there was any of the enemy in the intrenchment. I soon got tangible proof of it. The force that had their dinner were brought up and we began gradually to force our way on. In the middle of that, when we got the artillery down, Mr. Astley came again galloping, having run the gauntlet of both forces. He ran between them and came with a flag and produced another letter from Riel.

Q. Is this the one he brought you that time (producing it).—A. Yes, that is the same one.

Q. Is this the envelope it came in?—A. Yes, (Ex. 3 and 4). I could not hear what Astley was saying. I opened the envelope and handed it to him. I could not hear what he said, I tried to stop the guns firing to hear it, but that was hopeless; at last he handed me the envelope and pointed to it and I read what was on the outside of the envelope and he said after Mr. Riel had closed the letter he got it back and wrote on it with an indelible pencil and he said "you had better read what that was."

Q. Then what took place?—A. Astley said he had better go back with an answer and I said no, there was no necessity. He said the prisoners might be massacred. I said there was no fear of that, that we would be there in half a minute. I went on and forced my way, brought the 90th, dismounted the troops and gradually pushed on.

Q. And then the place was carried?—A. Then the place was carried. By a series of rushes we forced our way on and the enemy dispersed altogether but they still kept a fire in the distance, but gradually all attempt at defence had ceased with the exception of a few stray shots now and then.

Q. Astley did not return?—A. No, he went down with us to the plateau.

Q. How many of your force was killed on that occasion?—A. On that occasion there were six killed, I think, and twelve or thirteen wounded.

Q. That practically was the end of the campaign so far as your campaign was concerned?—A. Practically, it was.

Q. How long after that was it before the prisoner was brought to you?—A. That was on the 12th. We halted the 13th and marched on the 14th, and I think it was on the 15th. I had heard he was on that side of the river and I marched as soon as I could intending to go to Lepine's crossing. On the way I heard of Riel and Dumont having been seen and instead of going to Lepine's I turned and halted at Gardupny's crossing, and sent out all the scouts I could with directions to search the wood as far as Batoche. On the 15th Riel was brought in by two scouts, Hourie and Armstrong, and brought to my tent, and when he entered the tent he produced a paper which I had sent to him saying if he surrendered I would protect him till his case was decided by the Canadian Government.

Q. What was done with him when he was first brought in?—A. He was brought into my own tent. Very few knew he was there, I kept in my tent all day. I had another tent pitched alongside and he was put in that tent under charge of capt. Young, with two sentries with loaded arms, and during that night Captain Young slept in the tent.

Q. Had you any conversation with the prisoner while he was there?—A. Yes, during the first day he was there I had a conversation with him.

Q. Did you invite any conversation from him?—A. I dare say I asked him one or two questions. He talked very freely to me.

Q. And did he make any representation as to his share in the matter?—A. No I can hardly remember. I was writing at the time and then I stopped writing and talked to Mr. Riel. The only one thing I can remember particularly as to his share in the matter was as I was leaving the tent, he said: "General, I have been thinking whether if the Lord had granted me as decided a victory as he has you, whether I should have been able to put it to a good use." That was the only thing he said as I left the tent. I had talked a good deal with him on different matters.

Q. Then he was sent down with Captain Young?—A. Yes, I telegraphed down to the Government to say Mr. Riel was a prisoner and to know what was to be done with him, and eventually I was directed to send him to Regina which I did, under the charge of Captain Young with twelve men and a sergeant.

Examined by MR. GREENSHIELDS.

Q. You were in command of the forces in the North West Territories?—A. Yes.

Q. In the course of that command did you issue any general instructions or proclamation to the inhabitants?—A. Well, once when I was at Fish Creek, I sent a communication by an Indian, to say that the Government had no war against the Half-breeds or Indians, that those who had been forced against their will to join Riel would be pardoned if they left and went to their homes and reserves, but I said no pardon should be given to Riel or his immediate aiders and abettors. It was something to that effect.

Q. Was that proclamation issued over your name?—A. Over my signature.

Q. About what time was that?—A. That must have been between the 24th of April and the 5th of May, while we were lying at Fish Creek with the wounded.

Q. During the time Riel was in your tent, did you have any conversation with him regarding his religious views?—A. Well yes, he talked a good deal about his religion.

Q. Did Astley make any remark to you at the time he brought these two messages that Riel wished as a condition of his surrender that he should be recognized as the head of the Church he had formed at Batoche, or remarks to that effect.—A. No, I don't think so. I remember Astley saying "Confound him! he is always bothering about his religion. He his anxious you should know about his religion," or some thing like that.

Q. This was before you saw Riel?—A. Yes.

Q. What did he say to you, that is Riel, when you had this conversation with him regarding religion?—A. I could hardly tell you. It was a disconnected thing. He told me that Rome was all wrong and the priests were narrow minded people; there was nothing particularly except the ideas of an enthusiast on some religious point.

Q. Did he say to you he was a prophet?—A. No.

Q. And endowed with the spirit of God?—A. No, nothing of that sort.

Q. Under what circumstances was the paper which you sent to Riel offering him protection sent?—A. I don't exactly know what you mean. That I think was sent when Astley told me he was anxious to surrender.

Q. It was when Astley told you he thought Riel was anxious to surrender that you sent him that?—A. I think I sent it out by a scout, I have got a copy of it in my book. I think I sent it by a scout.

Q. Was there not a man came on behalf of Riel after the final charge and after Ba-

toche had been carried, and stated to you Riel would be willing to give himself up on certain conditions?—A. No, I have no recollection of that.

Q. Do you recollect having seen a man named Moise Ouellette who was one of the councillors of the Government of the Saskatchewan?—A. I don't remember particularly.

Q. Do you remember he came to your camp and stated he knew where Riel was and that he would surrender under certain conditions and he did not wish to be followed by any one?—A. Nothing of the sort. If any man had come and told me that, I would have seized him immediately.

Q. That is pretty good evidence he did not come?—A. Certainly.

Q. Your recollection is that you gave that little piece of paper to a scout?—A. Yes, with the hope it would reach Riel in some way or other.

Q. Do you recollect the date you gave him this paper?—A. No, I cannot exactly say but it must have been between the 12th and the 15th.

GEORGE HOLMES YOUNG, sworn, examined by Mr. Burbidge.

Q. You are an officer in the Winnipeg Field Battery?—A. Yes.

Q. Were you with General Middleton's forces before Batoche?—A. Yes.

Q. In what position were you?—A. I was brigade Major of the infantry brigade.

Q. Were you with the forces on their arrival at Batoche?—A. I was.

Q. Did you hear any firing about the time you arrived?—A. As we supposed we were nearing Batoche we heard heavy firing from the steamer. That was early on the morning of the 9th May, we heard the steamer firing and whistling for assistance.

Q. You were present during the fighting on the 9th, 10th, 11th and 12th?—A. Yes.

Q. Were you with the advance that went over the rifle pits in the last charge?—A. I was.

Q. You were one of the first who went into a certain house I believe?—A. Yes Sir.

Q. Can you describe what house?—A. The house known as their council chamber.

Q. What did you find there?—A. In the upstairs, I found a large number of papers and books.

Q. Where did you find them?—A. On the table where they had left them, fastened to the wall in paper clips and some in two boxes and some in a small leather reticule; they were generally through the room in places of safety, according to their importance.

Q. What did you do with them?—A. I lashed the books and papers together with a rope and gave them to an artillery Sergeant to take to Col Jarvis. Other papers were found besides those I found in the council chamber, and as they turned up, I took possession of them.

Q. Did you examine these papers?—A. I did.

Q. Do you recognize that, (No. 5), as one of the papers?—A. I do.

Q. Do you recognize that as one of the papers you found, (6)?—A. I do.

Q. Do you recognize this as one of the papers you found (the 7th)?—A. I do.

Q. Do you recognize this as one of the papers (13)?—A. I do.

Q. Do you recognize this as one of the papers you found there (16)?—A. I do.

Q. Were you present when the prisoner was brought into the camp?—A. I was in the camp and saw him brought in.

Q. You were through the fight at Batoche?—A. Yes.

Q. You saw the rebels fighting against the troops, against General Middleton?—A. Yes.

Q. How were they armed?—A. With rifles and shot guns.

Q. How many days after Batoche was Riel taken?—A. The last day of Batoche was Tuesday the 12th, and the prisoner was brought into camp on the afternoon of Friday the 15th. He was brought by the scouts to the tent of the General and was held there for questioning.

Q. Was he afterwards put under your charge?—A. I was sent for by the General as I had known the prisoner in the rebellion of 69-70, to see if I would recognize him. I reported that there was no mistake as to his identity; about half past nine word was sent that the General wanted me, and I went to the tent, and the General told me that he wanted me to take charge of the prisoner and be answerable for his safe keeping. I had charge of him till I delivered him to Capt. Dean, on the 23rd May.

Q. Had you frequent conversations with him during that time?—A. Constantly.

Q. Did he speak freely and voluntarily with you?—A. Yes, he talked all the time.

Q. You did not order him to make any statements to you?—A. None at all.

E. Did he speak at all in regard to the Indians he expected to act with him, how many there were?

MR. FITZPATRICK.—I raise a formal objection to this part of the evidence. This was a statement made by this man to this person who was in charge of him.

HIS HONOR.—What is your objection?

MR. FITZPATRICK.—A statement by a prisoner when in custody to the person in charge of him is not admissible in evidence.

MR. BURBIDGE.—Did you hold out any inducement to him to make a statement to you?—A. No.

Q. His statements were voluntary entirely?—A. Yes.

Q. Did you offer any inducements or make promises of any kind?—A. No.

MR. FITZPATRICK.—It is not admissible in evidence unless he made it voluntarily.

MR. BURBIDGE.—A. What did he say about the Indians?—A. On the Saturday the General wished to know as to the movements of some bands who intended to join the rebel forces, and the prisoner spoke about a messenger, Chic-I-Cum, whom he had sent towards Prince Albert and Battleford to bring men with him to Batoche. He gave this information to give to the General as it might be possible to divert the Indians from their intention.

Q. Did he say anything about sending runners out to the bands?—A. Yes, in the North-West and also towards Cypres Hills.

Q. Did he speak to you of any other aid he expected to receive?—A. I was instructed to speak about possible aid from Irish sympathisers in the United States.

MR. FITZPATRICK.

Q. Were you instructed to speak to him about that?—A. Yes.

MR. FITZPATRICK.—Then I object.

MR. BURBIDGE.—We will not say anything about that.

Q. Did he speak about the battles?—A. About Duck Lake.

Q. What did he say about that?—A. We had a conversation as to the way it

toché had been carried, and stated to you Riel would be willing to give himself up on certain conditions?—A. No, I have no recollection of that.

Q. Do you recollect having seen a man named Moise Ouellette who was one of the councillors of the Government of the Saskatchewan?—A. I don't remember particularly.

Q. Do you remember he came to your camp and stated he knew where Riel was and that he would surrender under certain conditions and he did not wish to be followed by any one?—A. Nothing of the sort. If any man had come and told me that, I would have seized him immediately.

Q. That is pretty good evidence he did not come?—A. Certainly.

Q. Your recollection is that you gave that little piece of paper to a scout?—A. Yes, with the hope it would reach Riel in some way or other.

Q. Do you recollect the date you gave him this paper?—A. No, I cannot exactly say but it must have been between the 12th and the 15th.

GEORGE HOLMES YOUNG, sworn, examined by Mr. Burbidge.

Q. You are an officer in the Winnipeg Field Battery?—A. Yes.

Q. Were you with General Middleton's forces before Batoche?—A. Yes.

Q. In what position were you?—A. I was brigade Major of the infantry brigade.

Q. Were you with the forces on their arrival at Batoche?—A. I was.

Q. Did you hear any firing about the time you arrived?—A. As we supposed we were nearing Batoché we heard heavy firing from the steamer. That was early on the morning of the 9th May, we heard the steamer firing and whistling for assistance.

Q. You were present during the fighting on the 9th, 10th, 11th and 12th?—A. Yes.

Q. Were you with the advance that went over the rifle pits in the last charge?—A. I was.

Q. You were one of the first who went into a certain house I believe?—A. Yes Sir.

Q. Can you describe what house?—A. The house known as their council chamber.

Q. What did you find there?—A. In the upstairs, I found a large number of papers and books.

Q. Where did you find them?—A. On the table where they had left them, fastened to the wall in paper elips and some in two boxes and some in a small leather reticule; they were generally through the room in places of safety, according to their importance.

Q. What did you do with them?—A. I lashed the books and papers together with a rope and gave them to an artillery Sergeant to take to Col Jarvis. Other papers were found besides those I found in the council chamber, and as they turned up, I took possession of them.

Q. Did you examine these papers?—A. I did.

Q. Do you recognize that, (No. 5), as one of the papers?—A. I do.

Q. Do you recognize that as one of the papers you found, (6)?—A. I do.

Q. Do you recognize this as one of the papers you found (the 7th)?—A. I do.

Q. Do you recognize this as one of the papers (13)?—A. I do.

Q. Do you recognize this as one of the papers you found there (16)?—A. I do.

Q. Were you present when the prisoner was brought into the camp?—A. I was in the camp and saw him brought in.

Q. You were through the fight at Batoche?—A. Yes.

Q. You saw the rebels fighting against the troops, against General Middleton?—A. Yes.

Q. How were they armed?—A. With rifles and shot guns.

Q. How many days after Batoche was Riel taken?—A. The last day of Batoche was Tuesday the 12th, and the prisoner was brought into camp on the afternoon of Friday the 15th. He was brought by the scouts to the tent of the General and was held there for questioning.

Q. Was he afterwards put under your charge?—A. I was sent for by the General as I had known the prisoner in the rebellion of 69-70, to see if I would recognize him. I reported that there was no mistake as to his identity; about half past nine word was sent that the General wanted me, and I went to the tent, and the General told me that he wanted me to take charge of the prisoner and be answerable for his safe keeping. I had charge of him till I delivered him to Capt. Dean, on the 23rd May.

Q. Had you frequent conversations with him during that time?—A. Constantly.

Q. Did he speak freely and voluntarily with you?—A. Yes, he talked all the time.

Q. You did not order him to make any statements to you?—A. None at all.

E. Did he speak at all in regard to the Indians he expected to act with him, how many there were?

MR. FITZPATRICK.—I raise a formal objection to this part of the evidence. This was a statement made by this man to this person who was in charge of him.

HIS HONOR.—What is your objection?

MR. FITZPATRICK.—A statement by a prisoner when in custody to the person in charge of him is not admissible in evidence.

MR. BURBIDGE.—Did you hold out any inducement to him to make a statement to you?—A. No.

Q. His statements were voluntary entirely?—A. Yes.

Q. Did you offer any inducements or make promises of any kind?—A. No.

MR. FITZPATRICK.—It is not admissible in evidence unless he made it voluntarily.

MR. BURBIDGE.—A. What did he say about the Indians?—A. On the Saturday the General wished to know as to the movements of some bands who intended to join the rebel forces, and the prisoner spoke about a messenger, Chic-I-Cum, whom he had sent towards Prince Albert and Battleford to bring men with him to Batoche. He gave this information to give to the General as it might be possible to divert the Indians from their intention.

Q. Did he say anything about sending runners out to the bands?—A. Yes, in the North-West and also towards Cypres Hills.

Q. Did he speak to you of any other aid he expected to receive?—A. I was instructed to speak about possible aid from Irish sympathisers in the United States.

MR. FITZPATRICK.

Q. Were you instructed to speak to him about that?—A. Yes.

MR. FITZPATRICK. Then I object.

MR. BURBIDGE. We will not say anything about that.

Q. Did he speak about the battles?—A. About Duck Lake.

Q. What did he say about that?—A. We had a conversation as to the way it

occurred. He insisted that Major Crozier fired first. After the first fire he said that he had instructed his men to fire. He gave three commands to fire as he explained it. The first as I remember it, "was in the name of God who made us, reply to that." They fired and Crozier's men replied, and he said, "in the name of God the Son who saved us, reply to that." And the third was "in the name of God the Holy Ghost who sanctifies us, reply to that." He spoke also of the circumstances that after Gabriel was wounded, a scalp wound I think, he continued to load the guns of the men till stopped by the flow of blood and when he could not do that any longer, he said: "My poor children, what will you do, I can't help you any longer. We spoke of Batoche after his capture in reference to the death of an old man I saw lying dead on the face of the ravine, Donald Ross I think was his name. He told me that as he was dying he called out for his relatives and children to come and see him before he died.

Q. Did he say anything about the disposal of his forces at the fight?—A. We were conversing about the different lines of defence. He had three, as I understood, a double line of rifle pits and a lower line again. He explained how the scouts were to fall back when pressed, that were to be three in each pit. He said that he and Gabriel Dumont differed. That Gabriel's opinion was that the rebel right was the key to the position, and should be defended. The prisoner's opinion was that the whole line should be especially defended. The matter was decided in council in favour of his view.

Q. Did he speak about the fighting qualities of the Indians?—A. He said in the early part the movement was all carried on by the Half breeds, but when it came to fighting the Indians were the bravest of his soldiers. He was aware of the death of French and of many others instances of the fight. I was positive from the instances he talked about that he must have been opposite to me at different times.

Q. This conversation took place when he was under your charge?—A. Yes.

By MR. FITZPATRICK.

Q. The information given to you by the prisoner was intended to be given to the General in reference to the Indians, Chic-I-Cum?—A. Yes.

Q. He gave the information for the purpose of enabling the General to take such measures as were necessary to prevent any difficulty with the Indians?—A. He did.

Q. He gave that freely and voluntarily, without pressure?—A. Yes, entirely of his own accord.

Q. The fact that the prisoner gave himself up necessarily tended to shorten the conflict and avoid further spilling of blood?—A. I thought he was captured by the scouts, I cannot express any opinion as to that. If he gave himself up, it might have had that effect.

Q. You heard what the General said this morning?—A. Yes.

Q. Your general impression was that Riel in every way decided to close hostilities?—A. He gave us all the information that we pressed him for sometimes he would bring out other subjects to gain time to consider his answers.

MAJOR EDWARD W. JARVIS, sworn, examined by Mr. SCOTT.

Q. I understand you were in command of the Winnipeg Field Battery?—A. Yes.

Q. On active service at the battle of Batoche?—A. Yes.

Q. Were you there on the 12th of May?—A. Yes.

Q. Throughout the whole four days?—A. Yes.

Q. Were any papers handed to you during that time?—A. Yes, towards the end of the engagement on the 12th, the last day of the engagement.

Q. By whom were they brought to you?—A. By one of the staff sergeants of the Battery.

Q. Would you recognize the papers? did you examine them?—A. I examined them but not particularly subsequently, about two days after, by order of the General.

Q. You would recognize them I suppose. Is that one of them (6)?—A. That is one of them.

Q. Do you recognize that (5)?—A. Yes, that is one of them.

Q. Do you recognize that (7)?—A. Yes, that is one of them.

Q. Do you recognize that (13)?—A. Yes, that is one of them.

Q. Do you recognize this (11 and 12)?—A. That is also one of them.

Q. Do you recognize that one (16)?—A. Yes, that is one of them.

Q. And this (15)?—A. Yes, that was also among the papers.

MAJOR CROZIER sworn, examined by Mr. OSLER.

Q. I believe you are an officer in the mounted police?—A. Yes.

Q. At the time of this trouble commanding in the north district?—A. Yes.

Q. With head-quarters at Battleford?—A. Yes.

Q. Carlton was the principal outpost?—A. Yes.

Q. In command of?—A. Superintendent Gagnon.

Q. I believe you arrived at Carlton on the 11th March?—A. Yes.

Q. You remained there till after the Duck Lake fight?—A. Yes.

Q. What force had you immediately before the Duck Lake fight at Carlton?—A. We had fifty men on my arrival on the 11th and I brought twenty five men afterwards.

Q. And then?—A. That was the full strength of the police.

Q. You were joined by some Volunteers?—A. By the Prince Albert volunteers about the 21st.

Q. I believe you heard there was trouble and you issued a proclamation?—A. I did, sir.

Q. And then there was the engagement we have heard of?—A. There was.

Q. Your terms as given to your agents were?—A. Captain Moore and Thomas McKay, of Prince Albert, were the men that I sent out.

Q. With instructions?—A. I told Captain Moore to tell the men whom he would meet from Riel that as I believed many of the men had been led into this affair, that I hoped they would disperse and go to their homes, and I believed that the Government would consider their case and would deal leniently with them, with the exception of the ringleaders who would have to answer for their offence; that I would do all in my power to get an amnesty for the rank and file.

Q. Do you know how those terms were received, of your own knowledge?—A. I can tell what was told me.

Q. The result was that they still continued in arms?—A. Yes.

Q. You organized an advance from Fort Carlton on the morning of the 26th?—A. Yes, it was not an advance in the military sense of the word, I went out for the purpose of getting some provisions at a store at Duck Lake.

Q. Having sent out a smaller party in the morning, who returned unsuccessful?—
A. Driven in.

Q. Then you were proceeding to get provisions, and you were met by a?—
A. By a large party of rebels.

Q. Did you identify any of the party leading?—A. No.

Q. The result was a contest?—A. Yes.

Q. Your force was fired upon?—A. Yes.

Q. And several killed and wounded?—A. Yes.

Q. Did you get the provisions?—A. We did not.

Q. Why?—A. We could not proceed, we were prevented by an armed force of rebels.

Q. Then did you receive a letter or communication after the fight on the 27th of March?—A. I did.

Q. Who gave that communication to you?—A. Sanderson.

Q. Asking you to come for your dead, had it this copy of the minute attached when you received it?—A. Well, I cannot swear to that, I don't recollect that minute, the other part I remember distinctly. I handed it to my commanding officer after receiving it.

Q. You do recollect getting this document purporting to be signed by the prisoner?—A. Yes.

Q. That is, in effect, a letter asking you to send for your dead?—A. Yes.

Q. Whom you had been compelled to leave on the field?—A. Yes.

Q. They were sent for?—A. Not then, they were sent for afterwards.

Q. Who composed the forces that opposed you, were they all Half-breeds?—A. I don't think so. To the best of my knowledge, they were not.

Q. Did you see any Indians?—A. I saw men dressed as Indians, and who looked like Indians.

By Mr. FITZPATRICK.

Q. When you reached the place where the fight took place you advanced yourself, did you not?—A. Yes I did.

Q. A short distance in advance of your troops?—A. Yes.

Q. You were met by one from the opposite side?—A. Yes.

Q. Who was that?—A. I don't know, he appeared to be an Indian.

Q. What became of that man?—A. That man I heard was killed.

Q. Did you see him drop?—A. I cannot say that I saw him drop.

Q. Was he the first man killed to your knowledge?—A. I do not know.

Q. You did not see any of the men drop yourself?—A. I cannot say that I did, my attention was engaged giving directions to my party.

Q. Your dead remained upon the field?—A. Not the whole of them, some of the dead did.

Q. You knew that one of your men, Newitt, remained on the field wounded?—
Of course I knew it afterwards but I did not know it at the time.

Q. To your knowledge was that man taken care of?—A. Not to my personal knowledge, though I believe he was from what I heard.

Q. Did you see the dead after the battle?—A. No I did not.

Q. Before they were interred?—A. No.

Q. Did you see them on the field?—A. I saw some, but the dead left upon the field I did not see.

CHARLES NOLIN, sworn, examined by Mr. CASGRAIN.

Mr. Marceau was sworn as interpreter.

Q. You live at St. Laurent?—A. At the present time, Yes.

Q. You lived before in Manitoba?—A. Yes.

Q. Do you know when the prisoner came into the country?—A. Yes.

Q. About what time was it?—A. I think it was about the beginning of July 1884.

Q. You met him several times between that time and the time of the insurrection?—A. Yes.

Q. Did the prisoner speak about his plans and if so, what did he say?—A. About a month after he arrived, he showed me a book that he had written in the States. What he showed me in that book was first to destroy England and Canada.

Q. And?—A. And also to destroy Rome and the Pope.

Q. Anything else?—A. He said that he had a mission to fulfil, a divine mission, and as a proof that he had a mission, he showed a letter from the bishop of Montreal eleven years back.

Q. Did he say how he would carry out his plans?—A. He did not say how he would carry out his plans then.

Q. Did he tell you something after?—A. He commenced to talk about his plans about the first of December 1884.

Q. What did he tell you?—A. In the beginning of December, 1884; he began to show a desire to have money, he spoke to me about it first, I think.

Q. How much did he say he wanted?—A. The first time he spoke of money I think he said he wanted 10,000 or 15,000 dollars.

Q. From whom would he get the money?—A. The first time he spoke about it he did not know of any particular plan to get it, at the same time he told me that he wanted to claim an indemnity from the Canadian Government. He said that the Canadian Government owed him about 100,000 dollars, and then the question arose whom the person were whom he would have to talk to the Government about the indemnity. Some time after that the prisoner told me that he had an interview with Father André and that he had made peace with the church, that since his arrival in the country he had tried to separate the people from the clergy, that until that time he was at open war almost with the clergy. He said that he went to the church with Father André and in the presence of another priest and the Blessed Sacrament he had made peace, and said that he would never again do anything against the clergy. Father André told him he would use his influence with the government to obtain for him 35,000 dollars. He said that he would be content with \$35,000 then and that he would settle with the government himself for the balance of 100,000 dollars. That agreement took place at Prince Albert. The agreement took place at Saint Laurent and then Father André went back to his mission at Prince Albert.

Q. Before December, were there meetings at which Riel spoke and at which you were present?—A. Yes.

Q. How many?—A. Till the 24th February I assisted at seven meetings, to the best of my knowledge.

Q. Did the prisoner tell you what he would do if they paid him, if the government paid him the indemnity in question?—A. Yes.

Q. What did he tell you?—A. He said if he got the money he wanted from the government he would go wherever the Government wished to send him, he told Father André, if he was an embarrassment to the Government by remaining in the N. W. he would even go to the province of Quebec. He said also if he got the money he would go to the United States and start a paper and raise the other nationalities in the States. He said: "Before the grass is that high in this country, you will see foreign armies in this country." He said: "I will commence by destroying Manitoba, and then I will come and destroy the North-West and take possession of the North-West."

Q. Did anyone make a demand in the name of the prisoner for the indemnity?—A. In the beginning of January the Government asked for tenders to construct the telegraph line between Edmonton and Duck Lake, I tendered for it:

Q. You withdrew your tender?—A. Yes.

Q. Why?—A. On the 29th January, the tenders were to be opened on the 27th, the prisoner came with Dumont and asked me to resign my contract in his favour because the Government had not given any answer to his claim for \$35,000, so as to frighten the Government. The prisoner asked to have a private interview to speak of that privately with Dumont and Maxime Lepine. We went to Lepine's and it was then that Riel told me of his plans.

Q. What were his plans?—A. The prisoner asked me to resign him my contract to show the Government that the Half-breeds were not satisfied because the Government had not given Riel what he asked for.

Q. Did he speak of how he would realize his plans?—A. Not there, I spoke to him.

Q. What did you say?—A. I told him I would not sacrifice anything for him, particularly on account of his plan of going to the United States, I would not give five cents, but that if he would make a bargain with me, with Lepine and Dumont as witnesses, I proposed to him certain conditions, I proposed that he would abandon his plan of going to the States and raising the people, that he should abandon his idea of going to the States and raising an army to come into Canada. The second condition was that he would renounce his title as an American citizen. The third condition was that he would accept a seat in the House of Commons as soon as the North-West would be divided into counties.

Q. Were those conditions accepted by the prisoner?—A. Yes. The next day I received an answer to a telegram from Macdonald; the telegram said that the Government was going to grant the rights of the Half-breeds, but there was nothing said about Riel's claim.

Q. Did you show the answer to Riel?—A. I showed the reply I received next Sunday.

Q. That was in the month of?—A. February.

Q. In the beginning of the month?—A. Yes.

Q. What did the prisoner say?—A. He answered that it was 400 years that the English had been robbing and that it was time to put a stop to it, that it had been going on long enough.

Q. Was there a meeting about that time, about the 8th or 24th of February?—A. A meeting?

Q. At which the prisoner spoke?—A. There was a meeting on the 24th February, when the prisoner was present.

Q. What took place at that meeting, did the prisoner say anything about his departing for the United States?—A. Yes.

Q. What did the prisoner tell you about that?—A. He told me that it would be well to try and make it appear as if they wanted to stop him going into the States. Five or six persons were appointed to go among the people and when Riel's going away was spoken about, the people were to say "No, No." It was expected that Gagnon would be there but he was not there. Riel never had any intention of leaving the country.

Q. Who instructed the people to do that?—A. Riel suggested that himself.

Q. Was that put in practice?—A. Yes.

Q. Did the prisoner tell you he was going to the United States?—A. I was chairman of the meeting when the question of Riel's going away was brought up.

Q. In the beginning of March was there a meeting at the Halero settlement?—A. Yes.

Q. Were you present when that meeting was organized by him?—A. The meeting was not exactly organized by the prisoner, it was organized by me; but the prisoner took advantage of the meeting to do what he did. The object of the meeting was to inform the people of the answer the Government had given to the petition they had sent in.

Q. Between the 1st March and the meeting at Halero was there an interview between the prisoner and Father André?—A. Yes, on the 2nd of March.

Q. Those notes you have in your hand were made at the time?—A. Yes, about the time. On the 2nd of March, there was a meeting between Father André and the prisoner at the Mission.

Q. At the interview between Father André and the prisoner, did the prisoner speak about the formation of a provisional Government?—A. About seven or eight Half-breeds were there, the prisoner came about between ten and eleven o'clock.

Q. What did he say to Father André?—A. The prisoner was with Napoleón Nault and Damase Carrière. The prisoner appeared to be very excited. He said to Father André: "You must give me permission to proclaim a provisional Government before twelve o'clock to-night."

Q. What day was this?—A. The 2nd of March.

Q. What then?—A. The prisoner and Father André had a dispute and Father André put the prisoner out of doors.

Q. What took place at the meeting at Halero, what did you see?—A. I saw about sixty men arrive there, all armed, with the prisoner.

Q. What day was that?—A. The fourth of March.

Q. Were these men armed?—A. Nearly all were armed.

Q. What did you do?—A. That meeting was for the purpose of meeting the English Half-breeds and the Canadians. When I saw the men coming with arms, I asked them what they wanted, and I said the best thing they could do was to put their arms in a waggon and cover them up so they would not be seen.

Q. The prisoner spoke at the meeting?—A. Yes.

Q. What did he say?—A. He said that the police wanted to arrest him, but he said these are the real police, pointing to the men that were with him.

Q. Did you speak at that meeting?—A. Yes, I spoke at that meeting and as I could not speak in English I asked the prisoner to interpret me. Before leaving in

the morning the prisoner and I had a conversation. He had slept at my place that night. Before leaving I reproached him for what he had done the night before.

Q. On the 5th of March?—A. The prisoner came with Gabriel Dumont to see me. He proposed a plan to me that he had written upon a piece of paper. He said that he had decided to take up arms and to induce the people to take up arms, and the first thing was to fight for the glory of God, for the honor of Religion and the salvation of our souls. The prisoner said that he had already nine names upon the paper, and he asked for my name. I told him that his plan was not perfect but since he wanted to fight for the love of God, I would propose a more perfect plan. My plan was to have public prayers in the Catholic chapel during nine days, and to go to confession and communion and then do as our consciences told us.

Q. Did the prisoner adopt that plan?—A. He said that nine days was too long. I told him that I did not care about the time and that I would not sign his paper. The prisoner asked me to come next day to his house, and I went and there we discussed his plans. There were six or seven persons there.

Q. Did you propose your plan?—A. He proposed his plan and then he proposed mine.

Q. Did you decide to have the nine days?—A. We decided upon the nine days prayer, that plan was adopted almost unanimously, no vote was taken upon it.

Q. Was the nine days prayer commenced in the church?—A. Yes, on the Sunday following.

Q. What day was that?—A. The meeting at Riel's was on the sixth, I think it was on the sixth March.

Q. When did the nine days prayer commence?—A. It was announced in the church to commence on the Tuesday following and to close on the 19th, St Joseph's day.

Q. Did the prisoner assist at the prayer?—A. No, he prevented people going.

Q. When did you finally differ from the prisoner in opinion?—A. About 20 days before they took up arms, I broke with the prisoner and made open war upon him.

Q. What happened on the 19th?—A. On the 19th of March, I and the prisoner were to meet to explain the situation, I was taken prisoner by four armed men.

Q. Who were the armed men?—A. Philip Gardupuy, David Tourond, Francis Vermette and Joseph Lemoine. I was taken to the church of St Antoine. I saw some Indians and Half-breeds armed in the church.

Q. Did you have occasion to go to the council after that?—A. During the night I was brought before the council.

Q. Was the prisoner there?—A. Yes.

Q. What did he say?—A. I was brought before the council at ten o'clock at night, the prisoner made the accusation against me.

Q. What did you do?—A. I defended myself.

Q. What did you say, in a few words?—A. I proved to the council that the prisoner had made use of the movement to claim the indemnity for his own pocket.

Q. You were acquitted?—A. Yes.

Q. You were in the church after that?—A. The prisoner protested against the decision of the council.

Q. Why did you join the movement?—A. To save my life.

Q. You were condemned to death?—A. Yes.

Q. When were you condemned to death?—A. When I was made prisoner I had been condemned to death, when I was brought to the church.

Q. On the 21st of March were you charged with a commission, do you recognize that (Ex 5)?—A. Yes.

Q. Who gave you that?—A. The prisoner himself.

Q. For what purpose?—A. To go and meet the delegates of major Crozier. I did not give them the document because I thought it was better not.

Q. Do you remember the 26th of March, the day of the battle at Duck Lake?—A. Yes.

Q. Was the prisoner there?—A. Yes. After the news came that the police were coming the prisoner started one of the first for Duck Lake on horseback.

Q. What did he carry?—A. He had a cross.

Q. Some time after, you left?—A. Yes.

Q. You went to Prince Albert?—A. Yes.

Q. In the beginning of December 1884 the prisoner had begun speaking of his plan about taking up arms?—A. Yes.

By Mr. LEMIEUX.

Q. You took a very active part in the the political movement in this country since 69?—A. Yes, in 69 I was in Manitoba. The prisoner is my cousin. In 84 I knew the prisoner was living in Montana. I understood that he was teaching school there, he had his wife and children there. I was aware there was a scheme to bring him into the country.

Q. You thought the presence of the prisoner would be good for the Half-breeds, for the claims they were demanding from the Government.—A. Yes.

Q. In that movement the Catholic Clergy took part?—A. The clergy did not take part in the political movement but they assisted otherwise.

Q. The clergy of all denominations?—A. Yes, all the religions in the North-West.

Q. You were not satisfied with the way things were going, and you thought it necessary to have Riel as a rallying point?—A. Not directly, not quite.

Q. You sent to bring him?—A. A committee was nominated and it was decided to send the resolution to Ottawa. We did not know whether the petition was right or whether we had the right to present it. We were sending to Ottawa and they were to pass Riel's residence. When the time came we saw that we could not realize enough money to send them there, and the committee changed its decision. Delegates were sent to Mr. Riel to speak about this petition and they were to invite him into the country if they thought proper.

Q. Did the prisoner object to come?—A. I don't know.

Q. Who were the delegates sent by the committee?—A. Gabriel Dumont, Michel Dumas and James Isbister. The prisoner came with his wife and children and lived with me about four months.

Q. A constitutional movement took place in the Saskatchewan to redress the grievances?—A. Yes.

Q. The Half-breeds of all religions took part?—A. Yes.

Q. The Whites?—A. Not directly, they sympathised very much with us. The Whites did not take direct action in the movement but sympathised greatly with the Half-breeds. The witness is asked during what length of time the political movement lasted and he

said it commenced in March 1884 and continued until February or March 1885. He said that the prisoner after having lived about three months at his place went into his own house that he thinks was given to him by Mr. Ouellette. The witness is asked if in September the prisoner wanted to go, and the witness answers that he knows that the prisoner spoke of going, but he never believed he wanted to go. The witness is asked about what date he ceased to have friendly relations with the prisoner, and he says about twenty days before he took up arms, which was about the 18th March. The witness is asked if in the month of February, he thought Mr. Riel could be useful to their cause, and he says that in that month he thought that if he acted constitutionally he would be useful to their cause, but that as soon as he heard that the Government had refused the prisoner the indemnity that he claimed, that he said he had no more confidence in him as a leader in a constitutional way. The witness is asked again to say how it is that having lost confidence in the prisoner he agreed with him to deceive the people and make them believe that he wanted to go when he knew he did not want to leave the country. He says that the prisoner came and asked him to do that because Capt. Gagnon was there and so as to impress the Government, and he says that he thought, that at that time they expected that Mr. Gagnon would be at the meeting, and it would bring a satisfactory result for Mr. Riel.

The witness is asked, "In other words you wanted to put a false impression on Mr. Gagnon so as to obtain a good result for Mr. Riel." And the witness answers: "No, not at all. The witness is asked if he knew the prisoner well, and he says yes.

The witness is asked after that whether didn't they start a political movement with him in Manitoba, and he says that in Manitoba in 1869 and 1870 he did not directly start any movement with the prisoner. And then he is asked if he did not act like he did in this case, if he did not start with them and abandon them and he says yes. He says that he participated in that movement as long as he thought it was constitutional, but as soon as he saw it was not, he withdrew.

The witness is asked if subsequently to the rebellion and the abandonment that he made in 1870, if he was not appointed Minister of Agriculture, and he says in 1875 he was appointed Minister of Agriculture. He is asked if he was not looked upon as one of the leaders of the Half-breeds of the Saskatchewan, and he says he was looked upon as one of the leaders.

The witness is asked if Father Fourmond did not want to stop Mr. Riel from acting, and he says it may be so, but it is not to his knowledge.

The witness says there was a meeting on the 24th February. He knows Father André spoke there, but he could not say if he asked the prisoner to remain, and he says he may have said so.

The witness is asked if about that time, in February, there had not been a dinner at which the political situation of the Saskatchewan was discussed? And he says he knows of one on the 6th January. The witness says that at that time he spoke, but he did not speak much. He said something at that dinner, but he did not speak much.

The witness is asked if he can swear that at that dinner it was not spoken of the grievances of the Half-breeds and the refusal of the Government to redress them? And the witness says that he was present at that dinner, and that to his knowledge he does not remember that there was any political speech at that. The witness says that he had very frequent occasions to meet Riel, conversing with him since March 1884 till the moment they disagreed.

The witness is asked if the prisoner ever told him that he considered himself a prophet, and he says yes.

The witness is asked if after the meal something strange did not happen, if there was not a question of the spirit of God between the witness and the prisoner? The witness says it was not after a dinner, but it was one evening they were spending the night together at his house, and there was a noise in his bowels and the prisoner asked him if he heard that, and the witness says yes, and then the prisoner told him that was his liver, and that he had inspirations which worked through every part of his body.

The witness is asked if at that moment the prisoner did not write in a book what

he was inspired of, and the witness answers that he did not write in a book, but on a sheet of paper, he said he was inspired.

The witness is asked whether he ever heard the prisoner speak of his internal policy in the division of the country, if he should succeed in his enterprise, and he says yes. He says that after his arrival the prisoner showed him a book written with buffalo blood and the witness said that the prisoner in that plan said that after taking England and Canada, he would divide Canada and give the province of Québec to the Prussians, Ontario to the Irish, and the North-West Territories he divided into different parts between the European nations. He says he does not remember them all, but the Jews were to have a part. The witness says that he thinks he also spoke of the Hungarians and Bavarians. He says that he thought the whole world should have a piece of the cake, that Prussia was to have Québec. The witness says that since 1884 there was a committee which was called a council. The witness says he was one of the members of that committee or council. He was only one ordinary member, not president. Mr. Andrew Spence was President. He was an English Half-breed; he said the council condemned him to death and liberated him after and offered him a place in the council.

The witness is asked if he refused that position, and he says he did not refuse it and that he accepted it, but it was only to save his life because he had been condemned to death. The witness is asked if he was present at the meeting at Prince Albert, and he says he was not there, he was outside, he did not speak there. The witness says that before the battle of Duck Lake he saw Riel going about with a Crucifix about a foot and half long, that the Crucifix had been taken out of the next church, near by. The witness is asked if it is not true that when there was a question in the Saskatchewan of the police, the character of the prisoner changed completely, and that he became very excitable and even uncontrollable, and the witness says that whenever the word police was pronounced he got very excited. The witness is asked if at the time it was said in the district that 500 police would be sent to answer the petition of the Half-breeds, his character did not become very excitable, and he says that after that he did not see the prisoner, but before that, whenever the word police was pronounced he got very excited. He says that what he said here was about the month of January or even February, and about that time Captain Gagnon passed in the country and stopped in the prisoner's house to inquire what was the road of St. Laurent, and there was only the prisoner's wife and Mr. Dumont in the house, and when the prisoner came back and was informed that Mr. Gagnon had been there, he got very much excited, and the woman could not explain it, what Gagnon had stopped there for, and he got very excited, and the population generally got excited too. He does not know whether those policemen had their uniforms on or not. He says he cannot say at what date that was that Gagnon passed there, but he says he heard of the 500 police coming to the country only after arms were taken up. The witness says that one of his sons was arrested after the fight of Batoche and that he was brought here to the Barracks and was released within the last few days. The witness is asked if he had any influence, and he says he does not know what influence he could exercise, he says that at any rate he has been put at liberty since. The witness came to Regina to give his evidence in this case.

Examination of Mr. CHARLES NOLIN continued through the interpreter.

The witness is asked if the council which he spoke of a while ago and which was presided over by Mr. Andrew Spence, was the same as that which condemned him to death, and he says no.

Mr. JUSTICE RICHARDSON. That is, the old council was not the council that condemned him to death.

Witness says that the Council that condemned him to death was not that which was called ex ovid.

Witness is asked if prisoner had separated from the clergy, and he says completely. He says the Half-breeds are a people who need religion. Religion has a great influence on their mind. The witness is asked if without religion the prisoner could have succeeded in

bringing the Half-breeds with him, and the witness answers no. It would never have succeeded. If the prisoner had not made himself appear as a prophet, he would never have succeeded in bringing the Half-breeds with him.

By Mr. Lemieux, recross-examination.

The witness is asked if the prisoner did not lose a great deal of his influence in that way by the fact that he lost the influence of the Clergy, and he says that at the time he gained influence by working against the Clergy and by making himself out as a prophet. The witness is asked if he means that the people did not have confidence in their Clergy, and he says no, but he says they were ignorant and he was taking advantage of their ignorance and their simplicity.

THOMAS SANDERSON sworn, examined by Mr. Robinson.

There is a paper which has not been read yet and which was proved by the witness Jackson. It is dated 15th May, 1885. It is addressed to General Middleton.

Major-General Frederick Middleton:

General—I have received only to-day yours of the 13th, but our Council have dispersed. I wish you would let them quiet and free. I hear that presently you are absent. Would I go to Batoche, who is going to receive me? I will go to fulfil God's will.

(Signed),

LOUIS "DAVID" RIEL, *ex ovid*.

15th May, 1885.

Mr. JUSTICE RICHARDSON.—Was that document proved?

Mr. OSLER.—It was proved by Jackson, no 19.

Mr. ROBINSON.—Q. I believe you are a farmer living at Garrot River settlement?
—A. Yes.

Q. Do you remember the 20th of March last, do you remember that day?—A. I do not exactly remember that date.

Q. Well, do you remember Gordon coming to you?—A. Yes.

Q. About when was that?—A. I think it was about the 20th. I don't exactly recollect the date.

Q. Was it at your house?—A. At my father's house.

Q. What did he desire you to do?—A. To go with him, to conduct him to meet Colonel Irvine.

Q. He wished you to go with him, to conduct him to meet colonel Irvine?—A. Yes.

Q. Where was colonel Irvine represented to be coming from?—A. Coming from Qu'Appelle.

Q. And what were you to do, to show Mr. Gordon the way?—A. He did not know the way and requested me to take him through the woods to avoid the rebels.

Q. How far were you taken?—A. To Hoodoo, away as far as I possibly could to secure his safety and the safety of the despatches he carried.

Q. He was carrying despatches, and he wished you to take him through the woods to avoid the rebels?—A. Yes.

Q. How far did you go with him?—A. To Hoodoo.

Q. How far is Hoodoo?—A. About fifty miles, it is between Batoche and Humboldt.

Q. When did you get there?—A. About noon of the following day.

Q. What did you find when you got there?—A. I found Mr. Woodcock who was then in charge of Hoodoo station, and another man whose name I don't know who had just come there with a load of oats.

Q. What do you mean by a station, is it a mail station?—A. A mail stopping place. There were also two other men with sleighs loaded with flour and goods, for Carlton, I think they told me.

Q. For whom?—A. I think for the Hudson Bay Co but I am not positive.

Q. Who were the men?—A. Mr. Isbister and another I think who was called Campbell, I have seen the man often before, and I think that is his name.

Q. What happened while you were there?—A. On towards the evening while I was out washing about the store, I saw two Half-breeds as I suppose, coming along in jumpers and I stepped inside and told Woodcock the rebels were coming for us, and went out again and finished my washing and then they drove up to the door, drove up along the road, got out of their jumpers and walked into the house and I asked them what was going on at Batoche, and they said nothing much, and I asked if Mr. Riel was taking prisoners and they said that they had got some, and I asked if they were getting a good deal of flour and he said they were getting a good deal, and I sat down to supper and they went on conversing among themselves.

Q. What else took place that you remember?—A. At supper a few more came in. I said "getting pretty thick, I guess I will go outside and see if there are any more outside," I went outside and found about twenty or twenty-five armed men, and returned and finished my supper.

Q. What did you do next?—A. There was one stepped up and said he had a letter for Woodcock. I handed him the letter, on a small slip of paper, and he read it, he handed it to me to read and I think it stated that: We have been told that you are going to furnish the police now coming up with hay and oats, if you do we will consider you a rebel. Signed Garnot.

Q. Well what else was said or done?—A. I said they hadn't ought to consider him a rebel at all, that he was simply performing his duty and if Mr. Irvine had orders to get hay and oats there, he would certainly have to give them to him and that I did not think they should consider him a rebel on such grounds or an enemy to them, with the idea probably of them getting or leaving them there. They said anyway they had to take him prisoner and take him to Batoche, and I spoke up in his defence and they said they were going to take me also.

Q. Did they take you too?—A. Yes.

Q. Now was there a Mr. Isbister there?—A. Yes.

Q. And they took you both to Batoche?—A. Yes.

Q. When did you get there?—A. I should say about 11 or 12 o'clock, I am not positive.

Q. How many went with you?—A. I think there were either seven or eight in my sleigh and about the same in Woodcock's.

Q. Armed?—A. Yes.

Q. What did they do to Mr. Isbister?—A. I don't know, he was left there when I came away.

Q. You don't know whether they took his freight or not?—A. I saw him next day in Batoche, and I think they did not, but I am not positive.

Q. You got to Batoche about twelve I think?—A. I did, about twelve.

Q. And what happened there?—A. I was taken out of the sleigh and taken into the church.

Q. Whom did you see there?—A. Well I was not acquainted with any of them. I knew one was Gabriel Dumont, I had seen him before and knew him by sight.

Q. How many did you see?—A. I should say about 300 around the church and in the church that night.

Q. That was the 21st?—A. I think it was the 21st.

Q. Were they armed?—A. Nearly all that I saw were armed.

Q. Were they all Half-breeds or any of them Indians?—A. Some Indians and some Half-breeds. It was after night and I could not distinguish them.

Q. How long did they keep you?—A. Dumont got up and made a speech of some length, I should say it took him about an hour, and afterwards an Indian got up and made a speech that lasted about half an hour, and then there were a good deal of talking, and they took us away to the council house.

Q. Near the church?—A. A little up the road from the church.

Q. What happened when you got there?—A. There were several men around the lower story, some eating and some talking and so on, and they kept me there till Mr. Riel came.

Q. And what did he say or do?—A. I was then conducted upstairs as I suppose into the council room. Mr. Riel asked me what I—

Q. Were they sitting as a Council around a table?—A. I don't know, they were sitting around the table and around the house in all shapes possible.

Q. Was any body acting as Secretary?—A. Yes, one whom I afterwards knew as Garnot was acting as Secretary. Mr. Riel asked me what I was about, and I told him I did not know what he meant. He says "what are you about" and I says "I don't know what you brought me here for." Says he, "where do you come from" I said I come from Garrot river. He says "I consider you my enemy," and I says "all-right."

Q. Well, what more?—A. He asked Mr. Woodcock some questions, I am not positive what the questions were, that is all that was said to him till morning.

Q. What took place in the morning?—A. In the morning I requested an interview with Mr. Riel and he gave me one. I asked him what I was brought there for, what he had against me, and he said he considered me an enemy, and I asked him why. And he said he considered all the people at Garrot river as his enemies, and I told him I did not know any person there who were against him in the movement before he took up arms, and when I left there they did not know he had taken up arms and I said as far as I was concerned, I was not his enemy although I would not take up arms to defend him, and I thought my best plan was to make some way to get out of there if I possibly could, for I was in a bad box. I was then taken to a house that I was told afterwards was Garnot's, where I found other prisoners.

Q. And what took place then?—A. I don't just recollect everything that took place there was so much.

Q. Well, what conversation had you with the prisoner?—A. With Riel?

Q. Yes.—A. He came and asked me down that forenoon, I think it was in the forenoon, and he wanted me to speak to him. He asked if I knew there was any police coming and I told him I thought there was, but I was not sure, and he said he had been told there were 500 coming, and he asked me if I thought it was true, and I told him I guessed it was, that I thought there was 500 coming, he asked if I thought there was. I forget

now how he mentioned it, any way a deputation to settle his grievances was coming with them and I told him I thought they were coming, something to that effect, that they were coming to try to settle this rebellion.

Q. A deputation was coming to try and settle this rebellion?—A. Yes.

Q. You mean the 500 policemen were the deputation?—A. No, I meant that there were other parties with the 500 policemen.

Q. Now, did he talk to you about his grievances and what they were, or anything else?—A. Not at the time.

Q. Well when did he, if at any time?—A. He did after the Duck Lake battle, and I think the day before, I had several conversations with Mr. Riel. I could not just recollect what he said. He did talk to me about them after the Duck Lake battle, and I think the day before.

Q. Did he speak about his grievances or what were the grievances?—A. I could not state positively what he did claim as grievances, there were three grievances and other things, I don't exactly recollect what the conversation was.

Q. Were they general grievances or personal grievances?—A. General grievances he spoke to me of.

Q. Well, what took place next, how long were you kept there?—A. I think I was kept there till Wednesday in Batoche, I am not positive.

Q. And what happened there?—A. Till the day before the Duck Lake fight, and I was then taken to Duck Lake.

Q. With an armed guard?—A. With an armed guard.

Q. And where were you put there?—A. In the upstairs of Mr. Mitchell's house, at least I was informed it was Mitchell's.

Q. With other prisoners?—A. Yes, Mr. Peter Tompkins, Mr. Lash, William Tompkins and Mr. Woodcock.

Q. Did you see the people coming over, the body of the Half-breeds and so on coming to Duck Lake?—A. I saw them leaving Batoche and going to Duck Lake the night previous.

Q. About how many?—A. I should say between 400 and 500.

Q. Was Riel with them?—A. I did not see him.

Q. Did you see Riel at Duck Lake?—A. Yes.

Q. When?—A. Before going out to the battle, and coming back from it.

Q. Did you see him actually going out to the battle?—A. Yes, I saw him going out of the yard towards where the police were coming.

Q. With others?—A. With about between twenty and thirty men.

Q. And you saw him coming back from it?—A. Yes.

Q. Well, when he came back did you hear him say anything?—A. I heard him speaking but I could not understand him for he spoke in either French or Cree, I could not say which.

Q. Did he come and speak to you at all?—A. He did, after speaking to them he came upstairs and brought up Charles Newitt, the wounded man.

Q. What did he say about him?—A. He told us it was about the best thing he could do with a wounded man, that he thought we would take better care of him than his own men would, and I thanked him for bringing him up to us, and he then went down stairs.

Q. Did he tell you anything about the battle?—A. Yes, he did. After he came back

I asked him how many were killed, and he said nine and he thought there were more, but nine were left on the field, he thought a good many went away on the sleigh.

Q. Did he tell you anything else, about the battle?—A. I asked him who fired first and he said the police, and he said afterwards he then gave orders to his men to fire, three distinct orders:

Q. Did he say how he gave the orders?—A. "In the name of the Father Almighty I command you to fire," was the first time. I think those are as near the words as I can repeat them. I think he said the second time, "in the name of Our Saviour who redeemed us I command you to fire," and the third time "in the name of the Father, Son and Holy Ghost I command you to fire."

Q. Then how long did you remain at Duck Lake?—A. Till next day.

Q. And where were you taken then?—A. I asked Mr. Riel what he was going to do with the dead bodies the day of the battle, and he told me that he did not know, that they would consider. I said he ought to send some word to Major Crozier, and let him know and allow him to come and take away the bodies, and he said that he would consider the matter and see his council. Afterwards he came back up there and I asked him what he was going to do and he said they were afraid to send one of the men for fear Major Crozier would keep him prisoner. I told him if he would send me I would come back and give myself up again as a prisoner, and he said he would consider it and he afterwards concluded to send one of the men and then finally he came himself and told me he would send me.

Q. Did he give you any letter to take?—A. Yes.

Q. Is that the letter he gave you (showing witness a paper)?—A. Well, I could not say for I never saw the letter only while he was writing it, so that I could not actually give any evidence on the letter, I could not swear to it.

Q. You could not identify the letter or swear to the letter?—A. No, I did not see it afterwards.

Q. Did you give the letter?—A. I did.

Q. To whom?—A. To Major Crozier.

Q. And what happened then?—A. The next that happened I was detained by the police then and was not allowed to go back as I had promised to do to Mr. Riel.

Q. Did you assist in bringing the dead from the field?—A. Yes.

Q. Well, did Riel ask you any question after coming back from Duck Lake at all?—A. Yes, he asked me about the police. He had requested while going with his message to tell the people, the volunteers, that he did not wish to fight them, that he wished them to remain neutral and afterwards help him to establish a government, and when I went back to Duck Lake I told him I had told the people this, which was a lie. I told him also that I was taken prisoner by Major Crozier, and put into the cells, which was true, and that I was afterwards taken to Prince Albert by Major Crozier, that the volunteers there kicked because I was taken prisoner, that Major Crozier was afraid to stay and left Carlton and went to Prince Albert. That was lies also.

Q. That is the information you gave Mr. Riel?—A. That I gave Mr. Riel:

Q. And then what happened to you?—A. Before giving him this information, he asked me about them and I told him that I had refused to tell anything about them without he told me whether I was to go back to the prisoners, and whether I would be allowed to go at large, go free, and he said I would be allowed to go free, so then I spun him a little yarn.

Q. Who wrote this letter you took to Major Crozier?—A. I could not say positively,

Mr. Riel was writing so was Mr. Garnot and they had a great time getting up the letter, so I don't know which I could say.

Q. What do you mean by a great time?—A. They wrote so many of them and destroyed them.

Q. They wrote more than one before they got one to suit them?—A. Yes.

Q. And finally they finished one and gave it to you?—A. Yes.
By Mr. Greenshields.

Q. At the time you were taken prisoner did Riel take any part in it?—A. No, I did not see him.

Q. It was only after you been had taken prisoner that you saw him?—A. Yes.

Q. Now, at the time you spoke to him regarding the formation of a government, did he give you any idea of what kind of a government he proposed forming?—A. Yes, he was going to divide the country into seven parts, one part was to be for the Canadians, or white settlers, one seventh, another seventh for the Indians, another seventh for the Half-breeds, and he named over what he was going to do with the rest, I don't recollect the names of the people.

Q. Did he tell you he was going to give over other sevenths to other nationalities, the Poles, Hungarians and Bavarians and Jews?—A. He did not.

Q. Did you hear him say anything about giving a portion of it to the Germans?—A. No, not to my knowledge. He named over, I think it was three-sevenths of it was to remain to support the Government.

Q. That was for himself, I suppose?—A. Yes, I suppose, for the Government he was about to establish.

Q. Now, that was about the extent of the conversation with him regarding this Government?—A. Yes, that was about the extent of it.

Q. He did not say anything about expecting assistance from foreign powers in his undertaking?—A. No, he did not.

Q. Did he talk to you anything about religion?—A. Yes.

Q. What did he tell you about that?—A. He told me he had cut himself loose from Rome altogether, and would have nothing more to do with the Pope, that they were not going to pay taxes to Rome. He said if they still kept on with Rome they could not agree with the Canadian and white people who came there to live, because their Government would have to keep all Protestants out of the country, if they kept on with Rome.

Q. That is, if the Riel Government kept on with Rome they would have to keep all Protestants out of the country?—A. Yes.

Q. And abandoning Rome they would be able to allow Protestants to come into the country?—A. Yes, that is what I understood from him.

Q. Well, did he mention anything to you of who was to succeed the Pope?—A. He did not.

Q. Did he tell you he was going to play Pope for the North-West Territories?—A. He did not.

Q. Well, did he explain to you any of the principles of the religion that he was founding?—A. No, by the way he spoke to me, the religion was just the same, any more than he had cut himself from the Pope.

ROBERT JEFFERSON sworn, examined by Mr. Casgrain.

Q. In the course of this last Spring, I believe you were in Poundmaker's reserve, were you not?—A. I was.

Q. In his camp?—A. In his camp.

Q. About what month?—A. The end of March and April and May, I don't believe it was the whole of May though.

Q. Last?—A. Yes.

Q. Who is Poundmaker?—A. He is one of the chiefs of the Cree tribe.

Q. Had he a band of Indians with him?—A. He had a band of Indians.

Q. A large band?—A. Yes, he had a large band.

Q. Do you recognize this letter (No. 18), and if so, where did you see it?—A. Well, I have seen it twice.

Q. Where did you see it the first time?—A. I saw it the first time in the camp, and the second time it was in the camp too.

Q. You saw it twice in the camp?—A. Twice in the camp, yes, once after the capitulation and the other before.

Q. Whose hands was it in the first time you saw it?—A. It was in the hands of Poundmaker.

Q. And the second time?—A. The second time it was in the hands of Poundmaker's wife.

Q. How did it get there, into the camp, in Poundmaker's hands?—A. It was brought in by Delorme and Chic-i-cum.

Q. What was his Christian name, do you remember?—A. I could not say.

Q. He was a Half-breed?—A. He was a Half-breed, yes.

Q. From where?—A. From Duck Lake.

Q. Chic-i-cum is an Indian, is he not?—A. Yes.

Q. Do you remember the battle of Cut Knife?—A. Yes.

Q. Was this before or after the battle of Cut Knife?—A. It was before considerably.

Q. Was it after the battle of Duck Lake?—A. Yes, it was after the battle of Duck Lake.

Q. When was the battle of Cut Knife fought?—A. I could not say the date.

Q. About what time?—A. About the beginning of May.

Examined by Mr. GREENSHIELDS.

Q. Was Poundmaker reading this letter at the time that you saw it in his hands?—A. No, he was not.

Q. Do you know whether he can read or not?—A. I do.

Q. Does he read English?—A. No.

Q. Does he read French?—A. No, nor French, he does not read at all.

Q. What was he doing with the letter when you saw it in his hands?—A. The letter was brought to him.

Q. Handed to him?—A. Yes.

Q. In your presence?—A. No.

Q. Did you see it brought to him?—A. No, I could not say that I saw it brought to him.

Q. Well, how do you know that the letter was brought to him?—A. Well, every one said it was brought to him.

Q. But you don't know anything about it yourself?—A. I beg your pardon, I know it was brought to him, he said it was brought to him.

Q. Who said so?—A. Poundmaker.

Q. But you don't know of your personal knowledge it was brought to him?—A. No, I did not see it brought to him.

Q. What was he doing with it when you saw it in his hands, was he looking at it as a matter of curiosity, or what?—A. No, I believe he was going to put it away.

Q. Did he know what it was?—A. Yes, he knew what it was.

Q. He knew it was a letter, eh?—A. He knew it was a letter.

Q. Did he ask you to read it for him?—A. No, he did not.

Q. Do you know yourself, now, where he got that letter, how he got it, of your own personal knowledge, not what he told you or anybody else told you, but of your own personal knowledge?—A. No, I don't.

Q. You don't know anything about it, do you?—A. No.

Q. You don't even know whether it was intended for Poundmaker or not, do you?—A. Not of my own personal knowledge.

Re-examined by Mr. CASGRAIN.

Q. Was this letter read to Poundmaker?—A. It was.

Q. By whom?—A. By the man that brought it.

Q. Was it interpreted to him?—A. It was interpreted to him.

By Mr. GREENSHIELDS.

Q. How do you know it was read to him?—A. I heard them read it.

Q. Where were you when it was read?—A. I was there when he.....

Q. Do you understand French?—A. I don't understand very much of it.

Q. Did you have the letter in your hands?—A. I did, yes.

Q. Was it read in English to Poundmaker or in French, or how, or German, or what?—A. It was translated for him I believe, it was read in French first, I am not certain about it though.

Q. How do you know it was translated to him?—A. Well, I heard what was called a translation of it.

Q. What were you doing about that time?—A. I was listening.

Q. Now, how do you know it was translated if you never read the letter?—A. I never said I never read the letter.

Q. Well, did you read it?—A. I did read it.

Q. Before or after it was translated?—A. After this.

Q. After it was translated?—A. After it was translated.

Q. Let us hear you read it now and tell us what is in it?—A. But I have heard your translation here.....

Q. You said you heard that translated, because you understood it, now let us hear what that letter means, not what anybody told you or what you heard, but we want to know what your knowledge of the contents of that letter is?—A. (reading the letter as follows:).....since we wrote to you, important events have occurred, the Half-breeds and Savages and Indians of Fort Battleford and vicinity, since we wrote to you important events have occurred, the Police came to attack and we encountered them. God has given us victory; 30 Half-breeds and 5 Crees have sustained the battle against 120 men, after thirty-five or forty minutes of fire the enemies took flight. Bless God....

Q. Now, did you read the letter before it was translated in language to Poundmaker?—A. No, I read it afterwards.

Q. And he read it in French first of all to Poundmaker and then afterwards in English?—A. Then afterwards in Cree. I think he read it in French first, but I am not sure.

MR. JUSTICE RICHARDSON.

Q. Do you understand Cree?—A. Oh, yes.

MR. ROBINSON—I think, your Honor, that that will be the last witness for the Crown. I am not quite sure till to-morrow, and, of course we will adjourn now, it being 6 o'clock.

Court here adjourned till 10 A. M. to-morrow.

FATHER ALEXIS ANDRÉ, sworn, examined by Mr. LEMIEUX. Mr. F. R. MARCEAU being interpreter,

Q. What is your name in religion?—A. Alexis André, Oblat. I would prefer to speak in French. I understand the English very well, but in speaking it, it is quite a different matter.

Q. You are the Superior of the Oblats in the district of...?—A. Carlton.

Q. For how long?—A. Since seven years.

Q. Since how long have you been living in the country?—A. I lived in the country since 1865, in the Saskatchewan.

Q. Do you know the population and the habits of the people?—A. For twenty-five years I have been continually with the Half-breeds of the Saskatchewan above and below, I was with the same population in Dakota for four years.

Q. You have been with Half-breeds, Catholics and Protestants?—A. They were mixed up in the colony, and I knew a great many both of the Catholic and Protestant Half-breeds, and had a great many friends among the Protestants.

Q. Do you remember '84 and '85. Do you remember the events of those years?—A. Yes very well.

Q. Do you remember the circumstances under which the prisoner came into the Saskatchewan country in '84?—A. Yes, I remember very well.

Q. At that time there was an agitation in the Saskatchewan about certain rights the Half-breeds claimed they had against the Federal government?—A. Yes, about three months before there was an agitation among the English and French Half-breeds.

Q. State what were the claims of the Half-breeds towards the Federal Government?—A. At first I did not know what was the cause of the agitation in the country.

Q. Afterwards?—A. After, we knew from Half-breeds that they were going to see Riel.

Q. And finally Riel came into the country?—A. Yes.

Q. In what month?—A. About the 1st July 84.

Q. During the first months that he was in the country was there a constitutional agitation going on?—A. Yes there were meetings held amongst the French and English Half-breeds and at Prince Albert there was a meeting at which I was present myself.

Q. Do you know that resolutions were passed and sent to the federal authorities?—A. I did not know that resolutions were passed at the meeting.

Q. Did you know of petitions and requisitions being sent to the federal Government?—A. At that time I did not know of any, only of the meetings and the speeches.

Q. At the assembly you were at, did you take part?—A. No, I was there as a spectator and did not speak.

Q. You did not take any part?—A. No, I was only there as a spectator.

Q. Did you yourself communicate with the Dominion Government?—A. At what time?

Q. I mean in regard to the rights and claims of the Half-breeds?—A. Yes, I communicated.

Q. At what time?—A. I am not sure at what time, in 1882, I did communicate.

Q. Since that have you communicated?—A. Not directly.

Q. How did you communicate?—A. I communicated directly in regard to Riel.

Q. Can you tell me in what manner you communicated?—A. I communicated in December, when Riel said he wanted to go out of the country because of the agitation that was existing in the country.

Q. Did you communicate after that?—A. No, I communicated after the rebellion.

Q. With whom?—A. The Minister of Public Works.

Q. Sir Hector Langevin?—A. Yes, asking help for those who were in distress.

Q. What were the claims of the Half-breeds?—A. Since when, you must distinguish.

Q. From 1884 till the time of the rebellion?—A. Since the arrival of the prisoner in the country?

Q. Yes?—A. It would be difficult to tell that, they changed from time to time since the arrival of the prisoner.

Q. Before his arrival?—A. They demanded patents for their land, demanded frontage on the river and the abolition of the taxes on wood, and the rights for those who did not have scrip in Manitoba.

Q. In what way did the Half-breeds put forth their rights before the arrival of the prisoner?—A. By public meetings at which I assisted several times myself.

Q. Did you take part yourself?—A. Yes, at all those meetings.

Q. Were communications made with the Dominion Government, resolutions and petitions?—A. I remember three or four times that there was.

Q. Did you get any answer to your communications?—A. I think we received an answer once, perhaps we received an answer once.

Q. Was the answer favourable?—A. No, it was an evasive answer saying they would take the question into consideration.

Q. That was the only answer to a number of communications?—A. Yes, I know of another communication made by Monseigneur Grandin to the same effect.

Q. Did he get a favourable response?—A. No, I don't know of any.

Q. Do you know if there was any answer sent to Charles Nolin, in regard to a

petition sent to the Government?—A. It was in regard to those meetings; I was making reference, I only know as to one answer.

Q. Finally after these petitions and resolutions had been adopted at the public meetings and sent to the Government, was there a change in the state of things that existed then?—A. The silence of the Government produced great dissatisfaction in the minds of the people.

Q. To day are the people in a better position than they were before in regard to the rights they claim?—A. They have not yet received the patents for their lands on the South Saskatchewan.

MR. OSLER.—I must object to this class of questions being introduced. My learned friends have opened a case of treason justified only by the insanity of the prisoner, and they are now seeking to justify armed rebellion for the redress of their grievances. These two defences are inconsistent, one is no justification at all. We are willing to allow all possible latitude but they have gone as far as I feel they should go. We have allowed them to describe documents which they have not produced, and answers in writing so that they might not be embarrassed and that the outline of the position might be fairly given to the jury, but it is not evidence, and if my learned friend is going into it in detail, I think it is objectionable.

HIS HONOR MR. JUSTICE RICHARDSON.—Supposing they are going to produce these writings.

MR. OSLER.—They could not be evidence, they would not be evidence in justification. That is admitted. It cannot be possible for my learned friend to open the case on one defence and go to the jury indirectly upon another. Of course it is not really any defence in law and should not be gone into with any greater particularity. If this is given in evidence we will have to answer it in many particulars, and then there would be the question of justifying the policy of the Government.

HIS HONOR MR. JUSTICE RICHARDSON.—It would be trying the Government.

MR. OSLER.—It is as it were a counter claim against the Government, and that is not open to any person on a trial for high treason. We have no desire to unduly limit my learned friend, but I cannot consent to try such an issue as that here.

MR. LEMIEUX.—I do not want to justify the rebellion, I want to show the state of things in the country so as to show that the prisoner was justified in coming into the country and to show the circumstances under which he came.

HIS HONOR MR. JUSTICE RICHARDSON.—Have you not done that already.

MR. LEMIEUX.—I have perhaps to the satisfaction of the court, but perhaps others may not be so well satisfied.

MR. OSLER.—If you do not go any further we will withdraw our objection.

MR. LEMIEUX.—I want to get further facts, not in justification of the rebellion but to explain the circumstances under which the accused came into the country. If I had a right to prove what I have already proved a minute ago, I am entitled to prove other facts. If I was right a minute ago, I should be allowed to put similar questions now.

HIS HONOR MR. JUSTICE RICHARDSON.—The objection is not urged until you had gone as far as the Counsel for the Crown thought you ought to go.

MR. LEMIEUX.—It is rather late now to object.

MR. OSLER.—I warned my learned friends quietly before.

MR. LEMIEUX.—Well, I will put the question and it can be objected to.

Q. Will you say if the state of things in the country, the actual state of things in the country, in 1882, 1883 and 1884, and if to-day the state of things is the same as in

1882, 1883 and 1884, if justice has been done to the claims and just rights of the people?

MR. OSLER. That question must be objected to, it could not have had anything to do with bringing the prisoner here. I object first as a matter of opinion; second, that it is a leading question, and third, that it is irrelevant to the issue.

MR. LEMIEUX.—The most important objection is that it is leading. As to the opinion of the witness, I should think his opinion is valuable, it is facts I want from the witness, I suppose he can give his opinion based on the facts. If he says no or yes, I will ask him why, and he will give me his reason why.

HIS HONOR MR. JUSTICE RICHARDSON.—That will be a matter of opinion.

MR. LEMIEUX.—I will put the question and you can object to it.

Q. Do you know if at any time the Dominion Government agreed to accede to the demands made by the Half-breeds and Clergy, relative to the claims and rights you have spoken of in the preceding answer?

MR. OSLER.—I do not object to the question, if confined to a date prior to the 1st July, 1884, the time he was asked to come into the country, although the question is really irregular. I am not going on strict lines, but I do object to his asking as regards the present state of things. I do not object if he confines his questions to the time prior to the prisoner's coming to the country.

MR. LEMIEUX.—My question will show that the prisoner had reason to come. If the people had confidence in him, he had a right to come and help them; to try and persuade the federal Government to grant what had been refused them so far.

HIS HONOR MR. JUSTICE RICHARDSON.—Your question is what, Mr. Lemieux?

MR. OSLER.—I am willing that the question should be allowed if limited to the time prior to July, 1884.

HIS HONOR MR. JUSTICE RICHARDSON to Mr. Lemieux.—Is that the way you put it?

MR. LEMIEUX.—Yes.

MR. OSLER.—Then we withdraw the objection.

HIS HONOR.—Then we will have his answer.

MR. LEMIEUX.—I want to put the question generally.

MR. OSLER.—It is so general and difficult to grasp, anyway, I won't object.

MR. LEMIEUX.—Perhaps it is difficult to you but not to the witness.

Q. Will you state if since the arrival of the prisoner in the country up to the time of the rebellion, the Government have made any favourable answer to the demands and claims of the Half-breeds?—A. Yes, I know they have acceded to certain demands in regard to those who did not have any scrip in Manitoba. A telegram was sent on the 4th of March last, granting the scrip.

Q. Before that time?—A. Yes, regarding the alteration of survey of lots along the river, there was an answer from the Government saying they would grant it, and that was an important question.

Q. What question then remained to be settled?—A. The question of patents, that has also been settled in a certain way, because Mr. Duck was sent and I went with him as interpreter.

Q. What other question remained?—A. Only the question of wood, timber.

Q. Do you know that there is a commission sitting in regard to the claims and petitions of the Half-breeds?—A. Yes.

Q. Do you know how many claims and demands have been settled by that commission since it has been in existence?—A. In what place is it? In the North-West or in the district of Carlton?

Q. Generally.—A. I do not know, I know for my own district.

Q. What do you know?—A. I know that at Batoche they gave three scrips.

Q. Since the rebellion? A. Yes, about three weeks ago.

Q. At Duck Lake?—A. Forty.

Q. Since the rebellion?—A. Yes, about the same time.

Q. Do you know of any other?—A. No, not in that district.

Q. You have had occasion to meet the prisoner between July 1884 and the time of the rebellion?—A. Yes.

Q. What is the name of your parish?—A. Prince Albert.

Q. You saw the prisoner there?—A. Yes.

Q. Did you see him elsewhere?—A. At St. Laurent, several times, I don't know how often and I saw him at Batoche also.

Q. Have you had occasion to speak often to him on the political situation and on religion?—A. Frequently, it was the matter of our conversation.

Q. Did you like to speak of religion and politics with him?—A. No, I did not like to.

Q. Will you give me the reason why you did not like to speak of religion and politics to him?—A. Politics and religion was a subject he always spoke of in conversation, he loved those subjects.

Q. Did he speak in a sensible manner?—A. I wish to say why I did not like to speak to him on those subjects. Upon all other matters, literature and science, he was in his ordinary state of mind.

Q. Upon political subjects and religion?—A. Upon politics and religion he was no longer the same man; it would seem as if there were two men in him, he lost all control of himself on those questions.

Q. When he spoke of religion and politics?—A. Yes, on those two matters he lost all control of himself.

Q. Do you consider, after the conversations you have had with him, that when he spoke on politics and religion he had his intelligence?—A. Many times, at least twenty times, I told him, I would not speak on those subjects because he was a fool, he did not have his intelligence of mind.

Q. Is that the practical result you have found in your conversation with Riel on political and religious questions?—A. It is my experience.

Q. You have had a good deal of experience with people and you have known persons who were afflicted with a mania?—A. Before answering that, I want to state a fact to the court regarding the prisoner. You know the life of that man affected us during a certain time.

Q. In what way?—A. He was a fervent Catholic, attending the church and attending to his religious duties frequently, and his state of mind was the cause of great anxiety. In conversation on politics, and on the rebellion and on religion, he stated things which frightened the priests. I am obliged to visit every month the Fathers (priests) of the district. Once all the priests met together and they put the question, is it possible to allow that man to continue in his religious duties, and they unanimously decided that on this question he was not responsible, on these questions; that he could not suffer any contradiction on the question of religion and politics, we considered that he was

completely a fool, in discussing these questions; it was like showing a red flag to a bull, to use a vulgar expression.

By Mr. CASGRAIN.

Q. I believe in the month of December '84 you had an interview with Riel and Nolin with regard to a certain sum of money which the prisoner claimed from the Federal Government?—A. Not with Nolin, Nolin was not present at the interview.

Q. The prisoner was there?—A. Yes.

Q. Will you please state what the prisoner asked of the Federal Government?—A. I had two interviews with the prisoner on that subject.

Q. The prisoner claimed a certain indemnity from the Federal Government, didn't he?—A. When the prisoner made his claim, I was there with another gentleman and he asked from the Government \$100,000. We thought that was exorbitant and the prisoner said "wait a little, I will take at once \$35,000 cash."

Q. And on that condition the prisoner was to leave the country if the Government gave him \$35,000?—A. Yes, that was the condition he put.

Q. When was this?—A. This was on the 23rd December '84.

Q. There was also another interview between you and the prisoner?—A. There has been about 20 interviews between us.

Q. He was always after you to ask you to use your influence with the Federal Government to obtain an indemnity?—A. The first time he spoke of it was on the 12th December, he had never spoken a word of it before, and on the 23rd December he spoke about it again.

Q. He talked about it very frequently?—A. On these two occasions only.

Q. That was his great occupation?—A. Yes, at those times.

Q. Is it not true that the prisoner told you that he himself was the Half-breed question?—A. He did not say so in express terms, but he conveyed that idea, he said, if I am satisfied the Half-breeds will be. I must explain this. This objection was made to him that even if the Government granted him \$35,000, the Half-breed question would remain the same, and he said in answer to that if I am satisfied the Half-breeds will be.

Q. Is it not a fact he told you he would even accept a less sum than \$35,000?—A. Yes, he said, "use all the influence you can, you may not get all that but get all you can, and if you get less we will see."

Q. When he spoke of religion, the principal thing of which he spoke, was it not the supremacy of Pope Leo the 13th?—A. Before the rebellion he never spoke directly on that question as to the supremacy of the Pope.

Q. On that question he was perfectly reasonable?—A. On religious questions before the time he blamed everything, he wanted to change Mass, and the liturgy, the ceremonies and the symbols.

Q. Do you pretend that every man who has strange ideas on religious matters is a fool?—A. No, I don't pretend that.

Q. A man may have particular views on religious matters and still retain all his reason and intelligence?—A. That depends on the way in which he explains his ideas and by his conduct in expressing them.

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Q. Is it not true that the prisoner has fixed principles in his new religion?—A. He had the principle that he was an autocrat in religion and politics, and he changed his opinion as he wished.

Q. Do you say he changed his religion as he wished?—A. His ideas changed, to day he admitted this and to-morrow denied it; he was his own judge in these matters, he believed himself infallible.

Q. Is it not a fact that the Half-breeds are a people extremely religious?—A. I admit the fact, very religious.

Q. Is it not true that religion has a great influence upon them?—A. Yes.

Q. Is it not true that a man who tried to govern them by inducing them to completely change their religion or to do away with it, would have no influence with them at all?—A. Exactly, it was just because he was so religious and appeared so devout that he exercised such a great influence upon them. I wish to explain this point because it is a great point. With Half-breeds he never was contradicted and consequently he was never excited with them, and he appeared in his natural state with them. He did not admit his strange views at first, it was only after a time that he proclaimed them and especially after the provisional government had been proclaimed.

By Mr LEMIEUX.

Q. Is it not a fact that if any opposition was made to Riel, he became irascible and violent and almost uncontrollable?—A. As far as my personal experience goes he would not allow the least opposition at all, immediately his physiognomy changed and he became a different man.

Mr CASGRAIN objects to this evidence on the ground that it should have been given on the examination in chief.

PHILIPPE GARNOT, sworn, examined by Mr Fitzpatrick.

Q. What is your name?—A. Philippe Garnot.

Q. Where do you live when you are at home?—A. At Batoche.

Q. Where are you living at the present time—living now?—In Regina jail.

Q. Do you know Riel, the prisoner at the bar?—A. I do.

Q. You have known him for how long?—A. I saw him for the first time in Helena Montana, about seven years ago.

Q. Did you see him at Batoche during the course of last summer or in the Saskatchewan district?—A. I saw him last fall.

Q. What time last fall?—A. In October.

Q. From that time up to the month of March last did you have occasion to see him frequently?—A. No, I did not see much of him, I only saw him once or twice.

Q. During that time did you have any conversation with him?—A. No, not that I remember.

Q. No conversation whatever with him?—A. I had some small conversation but none that I can remember well.

Q. Do you remember during the course of last autumn and last winter up to the month of March, do you remember having any conversation with him on religious matters or on political matters?—A. No, I never had.

Q. No conversation whatever up to that time?—A. I had some conversation but not on religion or politics.

Q. Did you at any time talk to him on religion previous to his arrest?—A. I did, after the trouble, after the 18th March.

Q. Was he living at your house?—A. No, but he came there occasionally and slept there sometimes.

Q. When he spoke to you of religion do you remember what he said to you?—A. I know he was talking to me about changing the Pope or some thing of that kind, wanting to name Bishop Bourget, of Montreal, Pope of the New World as he named it, he spoke to me several things about religion that I cannot remember.

Q. Did he say anything to you about the Holy Ghost or the Spirit of God?—A. Yes, he said in my presence, not to me exactly, that the spirit of Elias was with him.

Q. Did he say he had any of the divine attributes that are generally attributed to Elias?—A. That is what I think he meant by that.

Q. What did he say about it as far as you can recollect?—A. He wanted the people in the meeting to acknowledge him as a prophet and he gave them to understand that he had the spirit of Elias in him and that he was prophesying.

Q. Do you remember any of his numerous prophecies?—A. I don't remember them all.

Q. Do you remember any of them?—A. I know every morning, almost every morning, he would come in front of the people and say such and such a thing would happen, I don't remember any of them in particular.

Q. You said a moment ago he spent some nights at your house?—A. Yes, he slept once or twice at my house.

Q. During the nights he spent there did you notice anything remarkable about him?—A. I know he was praying loud all night and kept me awake sometimes.

Q. Every one else was asleep in the house at that time?—A. I was the only other one in the house with him.

Q. Can you remember now the kind of prayers he delivered himself of?—A. It was prayers he was making up himself. I never heard them before.

Q. You are a Roman Catholic?—A. Yes.

Q. You are a French Canadian?—A. Yes.

Q. Had you ever heard any of those prayers before?—A. I never heard them except some of them, he would say the prayer "Our Father... but all the rest of the prayers I never heard them before except by him.

Q. During the time you saw him when he delivered himself of these prophecies you alluded to, what was his temper, how did he act when contradicted?—A. He would not stand contradiction by any one, he had to have his own way in everything.

Q. Was he very smooth tempered?—A. No; he was not smooth tempered.

Q. Irritable?—A. Yes.

Q. Did he make any declaration to you as to what he thought himself to be, in the way of power or authority?—A. No, he did not make any statements to me, but in my presence he made a declaration that he was representing St. Peter.

Q. Did he aspire to any particular gift or pretend he was endowed with the abilities of a poet, musician, or orator?—A. No.

Q. You did not hear him boast of his great intellectual qualities?—A. No.

Q. Did he at any time communicate to you his views with reference to the way in which the country was to be divided in the event of his success?—A. He did in my presence.

Q. Tell us what he said to you about that as far as you can remember?—A. He was talking about the country being divided into seven provinces, one for the French, Germans, Irish, and I don't know what else, there were to be seven different nationalities.

Q. Do you remember anything else besides those you have mentioned, what other foreigners?—A. Italians.

Q. Hungarians?—A. I can't remember particularly very well, I know it was seven different provinces, and seven different nationalities.

Q. Did the plan he then stated appear to you a very feasible one?—A. I did not believe he could succeed in that.

Q. Did he say he expected any assistance from these people?—A. Yes, he mentioned he expected assistance from them, he mentioned he expected the assistance of an army of several nationalities, and I remember he mentioned the Jews. He expected their assistance and money, he was going to give them a province as a reward for their help. That is what I understood him to say.

Q. Did he tell you how he had arranged that or if he had made any arrangements with these people?—A. He might, but I don't remember.

Q. In his conversation with you, or with others in your presence on these subjects, did he at any time give you any intimation that he had any doubt of his success, that any obstacle could prevent him from succeeding?—A. No, he always mentioned that he was going to succeed, that it was a divine mission that he had, and that he was only an instrument in the hands of God.

Q. When he talked of other matters than religion and the success of his plans, how did he act and talk generally?—A. I never noticed any difference in his talk on other matters, because I never had much intercourse with him only during the time of the trouble, I met him once before that.

Q. Did he appear to be actuated by any friendship for other people, or did he appear to be wrapped up in himself? Did he appear to have any sympathy for any one except himself? Did he appear to think of any one but himself, I mean during these times you had conversation with him?—A. I could not answer that question, because I don't understand it rightly.

Q. When he spoke of religion and about the country, and in the different interviews with you or others, did you understand that he had any idea of thinking of the welfare of anyone at all except himself, that he was the sole person to be considered?—A. It seemed as if he was working in the interest of the Half-breed population and the settlers generally. He mentioned that.

Q. Did you communicate to anyone your impression of this man—what you thought of him?—A. I did.

Q. What did you think of him?—A. I thought the man was crazy, because he acted very foolish.

By Mr. ROBINSON.

Q. He had great influence over the Half-breed population there, hadn't he?—A. Yes, he could do almost what he wanted with them.

Q. Are you one of those who followed him?—A. No. I followed him, but against my will.

Q. What do you mean?—A. When a man has a stronger force than I have I have to follow him, he came to me with an armed force and I had to go.

Q. Do you say you were forced to follow him by violence? Is that what you mean?

—A. I don't mean to say I was forced exactly by violence. He came and brought me from my house, he came with armed men, and I saw it was no use resisting.

Q. Do you mean to say you followed him because of the armed men, and that that was all that influenced you?—A. Yes.

Q. He had great influence over all the Half-breed population?—A. I always thought he had lots of influence amongst the Half-breeds.

Q. I believe they looked to him as a leader and followed him?—A. Yes, they did.

Q. They relied upon his judgment and advice?—A. They did.

VITAL FOURMOND sworn, examined by Mr. Lemieux. (Arthur Lewis sworn as interpreter.)

Q. Your profession?—A. I am a Priest of St. Laurent, in the district of Carlton, an Oblat Father.

Q. For how long have you been a Priest?—A. Ten years. I arrived at the place in the year '75.

Q. Have you known the prisoner, Riel, since '84?—A. Yes, directly since his arrival. I knew the prisoner by what I had heard, but I had never seen him till then.

Q. Since his arrival in the country, have you had several conversations with the prisoner up to the time of the rebellion?—A. Very often.

Q. At St. Laurent?—A. At St. Laurent, at Batoche during the war.

Q. Had you any conversation with the prisoner on religious and political subjects?—A. Very often.

Q. Were you present at the meeting which Father André spoke of in which Riel's sanity was questioned?—A. Yes, I was present.

Q. Did you agree with the other Fathers in the opinion as to the sanity of the prisoner?—A. It was me consulted the Revd. Fathers.

Q. Were you personally acquainted with the facts upon which you based your opinion as to the insanity of Riel?—A. I was personally acquainted with the facts upon which they based their opinion.

Q. Will you please state upon what facts you based your opinion that the prisoner was not sane on religious or political matters?—A. Permit me to divide the answer into two, the facts before the rebellion, and the facts during the rebellion. Before the rebellion it appeared as if there were two men in the prisoner; in private conversation he was affable, polite, pleasant and a charitable man to me. I noticed that even when he was quietly talked to about the affairs of politics and government and he was not contradicted, he was quite rational, but as soon as he was contradicted on these subjects then he became a different man and he would be carried away with his feelings. He would go so far as to use violent expressions to those who were even his friends. As soon as the rebellion commenced then he became excited, and he was carried away and he lost all control of himself and of his temper. He went so far, that when a Father contradicted him he became quite excited, and he had no respect for him and he often threatened to destroy all the churches. He says: There is danger for you, but thanks for the friendship I have for you, I will protect you from any harm. Once I went to St. Antoine and there I met a number of priests, and Riel says: I have been appointed by the Council to be your spiritual adviser. I said our spiritual adviser was the Bishop, and Mr. Riel would not be him. There is only one way you can be our adviser, the only way you can become so is by shooting us, the only way you can direct us is by shooting us, and then you can direct our corpses in any way you like. That was my answer to him.

(The interpreter states that he does not feel qualified to correctly interpret the evidence, and Mr. Casgrain proposes that he translates the evidence given by the defence, and Mr. Fitzpatrick that given by the Crown; which is agreed to.)

Witness continued He has extraordinary ideas on the subject of the Trinity. The only God was God the Father, and that God the Son was not God, the Holy-Ghost was not God either. The second person of the Trinity was not God, and as a consequence of this the Virgin Mary was not the mother of God, but the mother of the son of God. That is the reason why he changed the formula of the prayer which is commonly known as "Hail Mary" Instead of saying "Hail Mary, mother of God" he said "Hail Mary, mother of the Son of God." He did not admit the doctrines of the Church of the Divine presence. According to his ideas it was not God who was present in the Host, but an ordinary man six feet high. As to his political ideas he wanted first to go to Winnipeg, and Lower Canada, and the United States, and even to France, and he said we will take your country even, and then he was to go to Italy and overthrow the Pope, and then he would choose another Pope of his own making.

MR. OSLER.—Your Honor, we would prefer the interpretation should be done by a regular interpreter. I don't think it is within the ordinary rules of the evidence that it should be done as it is now. It is a question even whether even if consented to as in this case, it would be binding in a criminal case.

Court here adjourned for lunch.

On Court resuming, Louis Bourget was appointed interpreter.

Q. Before adjournment you said that Riel had said he was going down to Winnipeg, that he was going to the Province of Quebec, then he was going to cross the ocean and go on to Paris and Rome, and have a new Pope elected. He would get one appointed or appoint himself as Pope?—A. Yes, he said something to that effect.

Q. Have you made up your mind about the prisoner being sane, as far as religious matters are concerned?—A. We were very much embarrassed first, because sometimes he looked reasonable and sometimes he looked like a man who did not know what he was saying.

Q. Finally?—A. We made up our minds there was no way to explain his conduct, but that he was insane; otherwise, he would have to be too big a criminal.

Q. As the agitation was progressing, did you notice a change in his conduct, in his mind?—A. A great change, he was a great deal more excitable.

Q. At the time of the rebellion, you formed the opinion that he was insane?—A. Yes, I can tell some facts to that effect.

Q. If it is not too long, will you tell what it is?—A. Once he was asked by the people to explain his views on religion, on religious matters, so they could see through them. When he found out the clergy were against him, that he was contradicted, he turned against the clergy, particularly against me, and opposed the clergy, and kept following me into the tents wherever I would go. He compelled me to leave the place, go down to the river and cross to the other side. There were several women there who came to shake hands with me. The prisoner had a very extraordinary expression upon his face, he was excited by the opinion he gave upon religion. The prisoner spoke to the women and said: "Woe unto you if you go to the priests, because you will be killed by the priests." All of a sudden, when I came to the boat which was not very easy to get into, the prisoner with great politeness came up and said, "Look out Father, I will help you to get on the boat."

Q. In an instant he passed from great rage to great politeness in a very few minutes?—A. Yes. The first time I was at Batoche I was brought before the Council by the prisoner.

Q. When you first came to Batoche, were you friends with the prisoner?—A. Yes, I was.

Q. You repeat what you have already said that in matters political and religious the prisoner was not in his mind?—A. Yes.

Q. And could not be controlled?—A. Yes.

Q. And was not sane?—A. Yes.

Q. What happened at the Council house when he brought you there?—A. I was to render on account of my conduct as a priest and several other matters against the provisional government. The prisoner got very much excited and called me a little tiger.

Q. Why did he call you a little tiger?—A. I don't know, I suppose because I contradicted him. It was about ten o'clock when I asked to go, late at night, and then the prisoner became very polite and offered a carriage to convey me. The Council was in the room above, and there was a stairs I had to go down, and I had a parcel in my hands under my arms. With extraordinary politeness, the prisoner took the parcel and said "Father, you may hurt yourself."

Q. Did he ever show you a little book in which he had written those prophecies in the blood of the buffalo as to the future of this country?—A. I heard of it but I never saw it, the prisoner never spoke to me about the book.

By MR. CASGRAIN.

Q. It was when the prisoner was contradicted that he became uncontrollable?—A. Yes, that is what I said.

Q. It was then the prisoner became uncontrollable?—A. Yes, and at other times too.

Q. The Half-breeds did not contradict him on religious matters?—A. Some of the Half-breeds did contradict him.

Q. A great number, most of the Half-breeds followed him in his religious views?—A. I cannot say, "most" would be too many.

Q. A great number?—A. Yes, and several did not dare to express their views.

Q. Before the rebellion began he was quiet and sane in mind?—A. Yes, relatively, except sometimes, when he was contradicted, as I said this morning.

Q. When do you fix the commencement of the rebellion?—A. The 18th of March. The prisoner came himself and proclaimed the rebellion.

Q. He made you take an oath of neutrality towards the provisional government, during the rebellion?—A. No, there was no oath but there was a written promise, concerning the exercise of the ministry.

Q. Was it in terms of neutrality towards the provisional government?—A. Yes.

Q. You said there was no other way to explain his conduct than to say he was insane or a great criminal, and you would rather say he was insane. Rather than say he was a great criminal, you would say he was insane?—A. I did not say that, but in my mind it was the best way to explain it.

Q. You had naturally a great deal of friendship for the prisoner?—A. I could not have friendship, because I did not know him at the beginning, and afterwards, when I became acquainted with him, the friendship was broken off.

Q. Between the time when he came to the Mission and the time you had a rupture with him, is it not true that you and he were friends, that you had a great deal of friendship for him?—A. Yes, as I would have for you.

Q. Religion has a great influence on Half-breeds?—A. In what sense?

Q. In a general way. They are a religious people by instinct?—A. Yes, religion has a great influence with them.

FRANÇOIS ROY SWORN, examined by Mr. FITZPATRICK.

Louis Bourget, interpreter.

Q. You are a doctor of medicine?—A. Yes.

Q. In the city of Quebec?—A. Yes, I belong to Quebec.

Q. What is your position in Quebec?—A. For a great number of years I have been medical superintendent and one of the proprietors of the lunatic asylum of Beauport.

Q. How long have you been connected with the asylum as a superintendent?—A. More than fifteen or sixteen years.

Q. You are also a member of the Society of American Superintendents of the insane Asylums of America?—A. Yes.

Q. During these fifteen or sixteen years, your duties called you to make a special study of the diseases of the brain? Is it not true that it has been necessary for you to make a special study of diseases of the brain?—A. Yes, it was my duty to go to the principal asylums in the United States, and see how the patients were treated there.

Q. Had you any connection with the asylum at Beauport, in 1875 and 1876?—A. Yes.

Q. You were at that time superintendent of the asylum?—A. Yes.

Q. In those years or about that time, did you have occasion to see the prisoner?—A. Certainly, many times.

Q. Where did you see him?—A. In the asylum.

Q. Can you tell the date?—A. Yes, the date was taken from the register when I left Quebec.

Q. What date is that?—A. I took the entry from the register in the hospital in the beginning of this month.

Q. Was he admitted with all the formalities required by law?—A. Yes.

Q. Will you tell me what time he left the asylum?—A. He was discharged about the 21st January, after a residence in the house of about nineteen months.

Q. Had you occasion to study at that time the mental disease by which the prisoner was affected?—A. Yes.

Q. Did you have relations with him during that time and did you watch him carefully during that time?—A. Not every day, but very often.

Q. Can you say now what mental disease the prisoner was then suffering from?—A. He was suffering from what is known by authorities as magalomania.

Q. Will you give the symptoms of this disease?—A. Many symptoms of the disease are found in the ordinary maniacs. The particular characteristic of the malady is that in all cases they show great judgment, in all cases not immediately connected with the particular disease with which they suffer.

Q. Will you speak from memory or by referring to the authors, what are the other symptoms of this disease?—A. They sometimes give you reasons which would be reasonable if they were not starting from a false idea. They are very clever on those discussions and they have a tendency to irritability when you question or doubt their mental condition, because they are under a strong impression that they are right and they consider it to be an insult when you try to bring them to reason again. On ordinary questions they

may be reasonable and sometimes may be very clever. In fact, without careful watching they would lead one to think that they were well.

Q. Was he there some weeks or months before you ascertained his mental condition?—A. Yes, I waited till then to classify him as to his mental condition. We wait a few weeks before classifying the patients.

Q. Does a feeling of pride occupy a prominent position in that mental disease?—A. Yes different forms, religion and there are great many with pride. We have kings with us.

Q. Is the question of selfishness or egotism prominent in those cases?—A. Yes.

Q. Are they liable to change their affections rapidly?—A. Yes, because they are susceptible to the least kind of attraction.

Q. In that particular malady are the patients generally inclined to be sanguine as to the success of their project?—A. The difficulty is to make them believe that they will not have success; you cannot bring them to change, that is a characteristic of the disease.

Q. Are people who suffer of this particular form of disease liable to be permanently cured, or are they liable to fall back into the old malady?—A. They generally remain in that condition, they may have sensible moments and the intermission wouldn't interfere.

Q. In a case of this kind, could a casual observer, without any medical experience, form an estimate as to the state of the man's mind?—A. Not usually, unless he makes a special study of the case. There is more or less difference in each case.

Q. What is the position of the mind of a man suffering from this disease, in reference to other subjects which do not come within the radius of his mania?—A. They will answer questions as any other man with a sense of reason, it is only when they touch the spot of their monomania that they become delirious.

Q. You stated that the prisoner left the asylum in 1878?—A. In January 1878.

Q. Have you ever seen him from that time till yesterday?—A. No, never.

Q. Do you recognize him perfectly as the same person who was in your asylum in 1876 and 1878?—A. Yes.

Q. Were you present at the examination of the witnesses that took place to-day and yesterday?—A. Partly.

Q. Did you hear the witnesses describing the actions of the prisoner as to his peculiar views on religion, in reference to his power, to his hoping to succeed the Pope and as to his prophecies yesterday and to-day?—A. Yes.

Q. From what you heard from those witnesses, and from the symptoms they prove to have been exhibited by the prisoner, are you now in a position to say whether or not at that time he was a man of sound mind?—A. I am perfectly certain that when the prisoner was under care, he was not of sound mind, but he became cured before he left, more or less; but from what I heard here to day I am ready to say that I believe on those occasions his mind was unsound, and that he was laboring under the disease so well described by Dagoust.

Q. Do you believe that under the state of mind as described by the witnesses and to which you refer, that he was capable or incapable of knowing the nature of the acts which he did?—A. No, I do not believe that he was in a condition to be the master of his acts and I positively swear it, and I have people of the same character under my supervision.

Q. Will you swear from the knowledge you have heard?—A. From the witnesses?

Q. That the man did not know what he was doing or whether he was contrary to law in reference to the particular delusion?—A. No, and for another reason, the same character of the disease is shown in the last period, the same as when he was with us

there is no difference. If there was any difference in the symptoms, I would have doubts, but it was of the same character so well described by Dagoust, who is taken as an authority and has been adopted in France as well as in America and England.

Q. The opinion you have formed as to the soundness of his mind is based on the facts that the symptoms disclosed by the witnesses here yesterday and to-day are to a large extent identical with the symptoms of his malady as disclosed while he was at your Asylum?—A. Yes.

By Mr. OSLER.

Q. You are one of the proprietors of the asylum?—A. Yes.

Q. It is a private asylum under government supervision?—A. It has the character of a private asylum as to the condition of the board of the patients, but it is a public institution in that sense of the word, we receive patients by order of the Government.

Q. But it is a private asylum as far as its financial basis is concerned?—A. No, because it is ruled by the Government.

Q. Is it owned by the Government or by the proprietors?—A. By the proprietors.

Q. It is only subject to inspection by the Government?—A. To inspecting and visiting besides.

Q. Is the profit or loss of the establishment borne by the proprietors?—A. Yes, by the proprietors.

Q. What is the extent of your accommodation, how many patients?—A. I do not know whether you have the right to ask these questions.

Q. How many patients have you got?—A. Sometimes the number increases and sometimes it diminishes, according to the discharges. I think there would be an average of from 800 to 900.

Q. It is from the profit of keeping these patients that the proprietors make money?—A. And to pay expenses and the interest upon a large capital put in.

Q. You are paid by the Government and paid by private patients?—A. When we have them.

Q. And the proprietors manage it as a place to cure and where they board these thousand people?—A. We have a place to cure and take care of those poor people who cannot take care of themselves.

Q. Who manages the institution?—A. There is a medical superintendent.

Q. Who manages the financial part of the institution and looks after the bread and butter of the patients?—A. We have a treasurer to look after that.

Q. You have a medical superintendent to look after the medical department?—A. Yes, and we have rules and regulations of the house.

Q. The proprietors only have a general supervision?—A. More than that, I myself am a specialist.

Q. You are quite a specialist in keeping a boarding house?—A. No.

Q. You have to look after that?—A. No.

Q. Who looks after the financial part?—A. My co-associates.

Q. You do not look after that?—A. No.

Q. You look after the patients?—A. Yes I take a special interest in the insane and those who require treatment.

Q. Will you tell me whether you ever prescribed or looked personally after the prisoner?—A. I did.

Q. Under what name was the prisoner in the Asylum?—A. Under the name of Larochele.

Q. Under what name does he appear in your books?—A. That is it.

Q. Did you know his right name?—A. No, I was not present when he entered the first day.

Q. Have you got the papers with you under which you held him?—A. I have this memorandum book.

Q. I want to see the papers?—A. No, I have not brought the books.

Q. Have you any papers showing what disease he had and under whose certificate he was confined?—A. I cannot give you what I have not got.

Q. There are papers and certificates filed?—A. Those papers are kept by the Provincial Secretary and I would have to get them from him.

Q. Where did you make that note from?—A. From the register, taking the exact date.

Q. It is from that register only that you are able to speak of the case?—A. No, it is only a help to my memory so as to be exact as to date.

Q. Among the thousand patients that were there at the time, have you a perfect recollection of his symptoms?—A. Yes, because he was a special case and gave me a good deal of care.

Q. Did you inquire into his former history?—A. No, except as to the fact of his disease.

Q. You did not get the history of the patient?—A. I asked some questions as to the conditions of his character and his disease.

Q. Was there necessity by reason of his violence to have him under restraint?—A. Yes, sometimes he was very violent.

Q. You found out what his name was?—A. He confessed to me who he was.

Q. That violence was after he was admitted into the Asylum?—A. Yes.

Q. All this treatment would appear in the books, there would be a history of the case?—A. Not always, it depends. It is in the medical book.

Q. You have no book or copy of the book here?—A. No.

Q. You have brought us nothing?—A. Except what I am able to tell from memory.

Q. You knew a long time before that you were going to be examined as a witness in this case, you had been spoken to about it shortly after the capture of the prisoner?—A. No, I was asked by telegraph.

Q. You were seen by the friends of the prisoner shortly after he was arrested?—A. No.

Q. When were you spoken to about giving evidence at the trial?—A. Some days before the trial came on.

Q. Did it not strike you that it would be important to have a written history of the case, the cause of his commitment, did it not strike you that that would be a matter of importance in considering a case of this kind?—A. No, I thought they would ask me my opinion of the case.

Q. That is what you thought would be satisfactory?—A. I never thought of coming at all at first.

Q. At the time he was there, you attended how many cases, person a

—A. I saw the most important cases, and took a great deal of interest in them on account of the responsibility of the treatment.

Q. And the others would carry out the treatment?—A. They would consult me and I would consult them.

Q. How many superintendents have got?—A. None, co-associates.

Q. How many patients had you under your immediate treatment in the year '77?

—A. I am not able to tell you.

Q. 100 cases?—A. No, we have not 100 cases of acute mania under our hands unfortunately.

Q. How many did you have under your personal treatment?—A. The cases of which I make a special study are acute mania.

Q. How many of such cases would you have in a year?—A. Not many unfortunately.

Q. How many in a year?—A. 25 or 30 would be about the average of acute cases.

Q. We will speak of '77; can you give us the names of those men whom you treated in '77?—A. I will give you some of the names, I cannot tell you all. If you mention the names I would know about them.

Q. The treatment of those persons is gone from your mind?—A. More or less.

Q. You see the value of written testimony here?—A. There are certain cases.

Q. Did you not know that this man was Riel?—A. I heard that he was and he himself admitted to me that his name was Riel.

Q. Who put him in the Asylum?—A. The Government.

Q. On whose certificate, on what medical certificate was he put in?—A. I do not know, it is in the department of the Provincial Secretary. We admit them as sent by the Government.

Q. You are paid by the Government?—A. Yes.

Q. That is the local Government of Quebec?—A. Yes, they see that everything is correct. They have a special physician for that.

Q. You say the main feature of this disease is what? what is the leading feature of this disease do you say? do you say it is a fixed idea incapable of change?—A. That one thing I may say.

Q. Will you answer the question, do you say that the leading feature of the disease is a fixed idea incapable of change by reasoning?—A. I did not succeed in changing.

Q. I ask you is that the leading feature of the disease?—A. That is one of the features.

Q. Is it the leading feature?—A. It is one of them, it is one of the characteristic features.

Q. A fixed idea with a special ambition incapable of change by reasoning?—A. Yes, we did not succeed in changing the idea of the patient.

Q. Well, that fixed idea is beyond his control?—A. I would not be prepared to say entirely.

Q. If it is beyond his control, he is an insane man?—A. Yes.

Q. Is not this fixed idea beyond his control?—A. Yes.

Q. If within his control, it is an indication of sanity?—A. That he was trying to get better, he may have had intermissions in which he understood his condition.

Q. If it is subject to control, it is not a fixed idea, that is what we have agreed upon as the leading characteristic, do you understand?—A. I do not know what you are after.

Q. If this idea is subject to control then this man is sane?—A. There may be intermissions when he can control himself, because then the insanity disappears.

Q. And then there is a lucid interval?—A. Yes.

Q. During the period of the insanity the idea possesses the man and it is not controllable?—A. No.

Q. Is that the leading feature of the disease?—A. Partly, do you know of any other?

Q. I am not an expert in insanity, can you give me any other leading feature of the disease?—A. I have no other feature to give.

Q. That is the only one you can describe?—A. I gave you the features and characteristics of the disease well enough.

Q. I am going to keep you to that unless you want to enlarge upon it, I am going to build my theory upon that; you can enlarge it as much as you like now, but do not go back upon me afterwards? Is there any other leading feature of the disease?—A. I have given you the principal characteristics of his disease.

Q. I want to get the peculiar characteristics of this form of mania?—A. They have intermissions, sometimes for months and sometimes for days. The least contradiction excites them.

Q. There is a class of healthy intermissions, sometimes a man likes beer and sometimes whiskey. I want to get the characteristic that distinguish him from a healthy man, not those that we have in common with the insane?—A. We always answer reasonably, but when a man comes and pretends to know everything and talks nonsense, we expect that to a certain extent he has lost his reason.

Q. We want to get at the leading characteristic, you have given us one feature is there only the one feature? If there are any other features, say so?—A. I won't give you any.

Will you stick to it?—A. Yes.

Q. Then what leading idea not subject to change by reason is it that you have fixed upon in the evidence yesterday or to-day bringing you to the conclusion that he is of unsound mind?—A. It is because of some symptoms.

Q. Tell me the symptoms that bring you to the conclusion that this man is within the rule you have laid down? Tell me the facts that bring him within that rule?—A. The facts are that he has always kept that characteristic.

Q. Answer that question?

Mr. FITZPATRICK.—This witness has been speaking in English for some time past. If the witness does not understand the questions properly he should answer the questions in French.

Mr. OSLER.—If the man wants to hide himself under the French, he can do so.

Q. You understand what I mean?—A. Parlez-moi en français.

Mr. OSLER.—It will be for the jury to say whether he is making the change at his own suggestion or at that of the counsel on the other side.

Q. Having given a rule to test this insanity what fact is there disclosed in the evidence that leads you to say that the prisoner comes within the rule?—A. That part of the evidence given by the clergy to day shows in a positive manner that the prisoner has manifested symptoms that we meet in megalomania.

Q. That is not an answer to my question. I want the fact on which you bring the

prisoner within the rule which you have laid down?—A. I want to take the fact proved by the evidence

Q. Tell me the fact upon which you rely?—A. The prisoner gets his theory from the idea that he has a mission.

Q. Do you understand that to be the fixed idea not controllable by reason?—A. I believe so; because reason has never so far succeeded in changing that idea that he has.

Q. Is that the only reason you have for saying that the prisoner is insane?—A. It is, and I believe it to be sufficient.

Q. Is it consistent with a man laboring under an idea not controllable by reason, that he would abandon that idea for \$35,000?

MR. FITZPATRICK.—I object to that; that has not been proved.

HIS HONOR.—What is the question?

MR. OSLER.—Is it consistent with a man having an idea not controllable by reason, that he will abandon that idea for \$35,000? Let that be a hypothetical question?

MR. FITZPATRICK.—I object to the question.

HIS HONOR.—He can put hypothetical questions.

MR. OSLER.—My learned friend must know that the question is regular and should not interfere at a critical part of the examination, so as to give the witness a cue.

MR. FITZPATRICK.—I did not have any such intention. We have the right to object and we intend to exercise that right.

MR. OSLER.—You should not exercise it in such a way as to give the witness a cue. That is the second cue you have given the witness. You gave a him cue in regard to speaking in French.

Q. Will you answer the question: is it consistent with the leading feature of this disease, an idea not controllable by reason, that he should abandon that idea for money?—A. I think it is possible that the prisoner might want to obtain the money to attain the object he has in view.

Q. It may be consistent if he wants the money for the object he wishes to obtain?—A. Yes.

Q. Do you say that that answer is consistent with the idea that he is not able to control his actions?—A. Yes; it gives it more strength.

Q. Wherein does that differ from the idea of a sound mind?—A. It is very important in this case particularly, the patient shows great ability in taking the necessary means to accomplish the particular mission that he believes has been given him, he was reasoning from a false basis, and that is a characteristic of this disease.

Q. Do you agree with this proposition: "An insane delusion is never the result of reasoning and reflection"?—A. I don't understand what you want to get at.

Q. I want you to give an answer, do you agree with that proposition, that an insane delusion is never the result of reason and reflection?—A. I believe that he makes false reasoning from a false principle.

Q. Is delusion produced by reasoning and deduction?—A. It has been by hallucination and

Q. That is not an answer to my question. I want to know whether a delusion, an insane delusion, may be the result of reasoning and deduction, or is it always the production of the disease?—A. Sometimes, not always, sometimes by false inspiration.

Q. Sometimes by sane inspiration?—A. Yes.

Q. You won't answer my question?—A. I have done my best.

Q. Have you not the capacity to understand it?—A. That may be your opinion.

Q. Take an insane delusion in a man's head, can it be brought by reasoning and deduction, or is it the outcome of the disease?—A. It is the consequence of his disease.

Q. And, therefore, it has nothing to do with reason and deduction?—A. I believe that when a patient is under the influence of hallucination, he is quite beyond control.

Q. You say it is the first principle of irresponsibility, whether it is the result of disease or whether it is the result of reason, distorted reason if you will, it is only by disease that the insane delusion is produced?—A. Yes, by the disturbance of the brain which there is in every case.

Q. And it is by reason of it being a product of the disease that it is not controllable?—A. It is a consequence of it.

Q. Why do you say this prisoner during this time had no knowledge of right from wrong?—A. I say that the prisoner was under the influence of his delusion that he had a special mission to fulfil.

Q. From what facts in evidence do you say that the prisoner could not distinguish between right and wrong?—A. They never could prove to him that that mission never existed.

MR. FITZPATRICK.—It is impossible for us to accept such a translation as is now being given of the evidence.

MR. GREENSHIELDS.—The last two questions have not been translated properly.

MR. OSLER.—We have done everything we could to procure a translator, we did not want one for our part of the evidence, and it was for the defence to produce one in tendering a witness whose evidence had to be translated.

MR. FITZPATRICK.—I say it is entirely wrong, it should be taken down in French.

MR. OSLER.—It has been taken down in French as well as in English.

MR. FITZPATRICK.—It has gone to the jury in English.

MR. OSLER.—The witness can explain himself in English but was told not to do so. It was not my difficulty.

MR. FITZPATRICK.—I think that the Act of '80 provides for the use of both languages.

HIS HONOR MR. JUSTICE RICHARDSON.—The court can take the best interpreter to be had.

MR. FITZPATRICK.—All right, if you say so.

MR. ROBINSON.—When they hear it improperly translated, they should say so and it can be repeated.

WITNESSES.... It could not be proved to him that the mission did not exist.

HIS HONOR.—Is that answer correct?

A. Yes.

MR. OSLER.—Q. Is that the only reason why you should say the prisoner could not distinguish between right and wrong?

HIS HONOR.—The reporter had better read the question to him and see whether it has been correctly translated.

(Reporter reading from his notes). "From the facts in evidence, do you say the prisoner could not distinguish between right and wrong?—A. They never could prove to him that that mission never existed."

HIS HONOR.—Is that the proper answer?—A. Witness, yes

MR. OSLER.—Q. Is that the only reason why you say the prisoner could not distinguish between right and wrong?—A. I give that as one of the reasons.

Q. Give that... Give me any other reason?—A. The reasons given by the last witness.

Q. I want you to state the facts that the witnesses spoke of, from which you came to your conclusion?—A. The facts are that he believed he had a mission to fulfil in the North-West.

Q. What evidence have you that that was an insane delusion? Because he stated he had a letter from the bishop containing such an allegation?—A. I never heard that he was inspired by such a letter.

Q. Do you say that any man claiming to be inspired is insane so as not to be able to distinguish between right and wrong? A. It is possible.

Q. Is it a true proposition scientifically?—A. The proposition as given by the patient is not always reasonable.

Q. Might it not be evidence of fraud on the part of the man making it?—A. Not when the same idea has been sustained at different times without reason.

Q. When the idea is sustained from time to time it is only sustained with insanity, is that the answer?—A. Yes particularly with that kind of delirium.

Q. Do you know the history of Joseph Smith the Mormon, would you consider him insane?—A. No, I do not know his history.

Q. Do you know anything of Brigham Young, would you call him insane? A. To my mind he was more or less insane.

Q. Would you call Brigham Young's ideas of prophetic inspirations inconsistent with the knowledge of what is right and wrong?—A. It would require an examination. If you send him to the asylum for a few months, I will make a study of the case.

Q. Does not the whole evidence sustain the theory that it was a skilful fraud?—A. I don't think so. I saw the prisoner at my place, he always retained the impression that he had a mission, when he could have none and he had nothing to gain by it.

Q. I am asking the general question whether the evidence upon which you have formed your opinion is not consistent with a skilful fraud?—A. It might be possible, there might be such an understanding, but it is not my opinion.

Q. It may be that it is consistent with a skilful fraud?—A. There is no evidence in this case that can prove that there was fraud.

Q. Do you say the evidence is inconsistent with a skilful fraud?—A. When I had the prisoner under my care...

Q. I am asking you about the fact in evidence on which you found your opinion?—A. In the mental condition of the prisoner, I think he is not...

Q. That is not an answer at all. Can you give me an answer?—A. Put the question in another way.

Q. If you cannot answer it in English or French, I may as well let you go, you can go.

DR. DANIEL CLARK, sworn, examined by Mr. Fitzpatrick.

Q. You belong to Toronto, do you not?—A. I do.

Q. What is your position there, Doctor?—A. A superintendant of the Toronto Lunatic Asylum.

Q. Have you had any experience in the treatment of the insane?—A. A small experience.

Q. Limited to how many years, Doctor?—A. Between nine and ten years.

Q. Has it been your fate to attend occasionally as expert in cases of lunacy?—A. Yes, very often.

Q. Have you had occasion to examine this prisoner here at the bar?—A. I examined him three times, twice yesterday and once this morning.

Q. Did you attend at the examination of the other witnesses in this case yesterday and to-day?—A. I did.

Q. From what you heard from the witnesses here in court, and also from the examination which you have made of the accused, are you in a position to form any opinion as to the soundness or unsoundness of his mind?—A. Well, assuming the fact that the witnesses told the truth, I have to assume that... and assuming also that the prisoner at the bar was not a malingerer (that is English I believe), then of course there is no other conclusion that any reasonable man could come to, from my stand-point, of course, that that man who held these views and did these things must certainly be of insane mind.

Q. Do you consider, Doctor, that a person suffering from such unsoundness of mind as you say that this man is suffering from, is capable of knowing the nature of the acts which they do?—A. Why, the insane understand, many of them, the nature of the acts which they do, except in dementia cases, and melancholia, and cases of mania even, they often know what they do, and can tell me what they did, tell all about it afterwards. It is all nonsense to talk about a man not knowing what he is doing, simply because he is insane.

Q. Do you think that man was, in the circumstances detailed by the different witnesses, in a position to be able to say or be able to judge of what he was doing, as either wrong or contrary to law?—A. Well, that is one of the legal metaphysical distinctions in regard to right and wrong, and it is a dangerous one, simply because it covers only part of the truth. I could convince any lawyer if they will come to Toronto Asylum, in half an hour, that dozens in that institution know right and wrong, both in abstract and in concrete, and yet are undoubtedly insane. The distinction of right and wrong covers part of the truth. It covers the largest part of the truth, but the large minority of insane do know right from wrong, it is one of these metaphysical subtilities that practical men in asylums know to be false.

Q. There are some lawyers who think it false also?—A. Well the lawyers find it in the books, and they take it for granted it must be correct.

Q. Do you consider from the knowledge which you have of this individual, that at the time the events detailed by the witnesses here took place, that is to say, in March, April and May last, that he was laboring under such a defect of reason from disease of the mind, that he did not know that what he was doing was wrong?—A. I think he did know. I think he was quite capable of distinguishing right from wrong.

Q. Quote the particular acts, Doctor?—A. Well, to quote the particular acts, I presume, if you were to ask him to define what is right and what is wrong, he could possibly give you a good definition, as far as I could judge from my examination of him.

Q. Was he in a position to be able to say at that time, and to act at that time as an ordinary sane man would have done?—A. Assuming the evidence given by the witnesses, he did not act as a sane man would have done, for this reason, that no sane man would have imagined that he could come into the Saskatchewan, and that he could gather around him such a force as would enable him to become monarch of this country. That it could be divided up into seven divisions, giving each to a different nationality. He was not an ignorant man. He was not like an Indian who never read a newspaper, and knew nothing of the country around him. He had travelled, he had been in Ottawa, he

had been in the United States, and he knew all about the power of Britain and the Dominion. And for him to imagine that he could come here and raise a few Half-breeds in the Saskatchewan and keep up a successful warfare, and divide the country into seven divisions and with different nationalities, was certainly not a thing that a man with an ordinary understanding, would ever think he could succeed in.

Q. So that you think at that time he was certainly insane and of unsound mind?—

A. Assuming the statement made... I think so.

Q. To be true?—A. Yes.

Q. You take into consideration of course in this opinion, all the evidence given as well by the doctors as by the other witnesses?—A. Yes, I assume of course as I said before that not only the evidence given is correct, but that he was not a deceiver. I might say if the court will allow me, that when I come to cases of this kind, I am not subpoenaed for one side more than another, I am here only subpoenaed to give a sort of medical opinion, and therefore I stand in that capacity.

Mr. Justice Richardson. That is well understood, Dr Clarke.

By Mr. OSLER.

Q. Then, Doctor, he would know the nature and quality of the act that he was committing?—A. He would know the nature and quality of the act he was committing, subject to his delusions, assuming them to be such.

Q. He would know the nature and quality of the act he was committing and he would know if it was wrong?—A. If it was wrong based upon his delusion, yes.

Q. And all the facts are quite compatible with a skilful shamming by the malingering?—A. Yes, I think so, I think that no one, at least I say for myself of course, that in a cursory examination of a man of this kind who has a good deal of cunning, who is educated, that it is impossible for any man to state on three examinations whether he is a deceiver or not. I require to have that man under my supervision for months, to watch him day by day before I could say whether he is a sham or not.

Q. Months under your supervision to say whether he is a sham or not?—A. Yes.

Q. And really the only grounds upon which you would form an opinion as to his insanity is the commission of the crime?—A. No, not the commission of the crime. I form an opinion of his insanity from the statements made by the witnesses, both anterior to the crime and since that time.

Q. But you told the court and jury just now that what struck you was the insane idea of seeking to take possession of the country and divide it into provinces?—A. Yes that is one idea.

Q. That gave you the greatest idea of his insanity?—A. One, and then the other one was he was a Roman Catholic and among Roman Catholic people, among people attached to their priests, and he went among that people endeavouring to conciliate them as he supposed in order to get them educated up in any schemes he had in view. And yet he goes to work and says at once, "I want to depose the Pope".

Q. But did you notice also this, that he gets the people to follow him?—A. Some of them do.

Q. Yes, but he got the people to follow him with their guns?—A. They followed him on another basis.

Q. They elected him Prophet?—A. Yes, and he told me this morning he was a Prophet and he knew the jury would acquit him because he knew what was coming before-hand.

Q. Then, don't you think that this is perfectly consistent with such leading spirits as Joseph Smith and Brigham Young?—A. No, it is not.

Q. Not consistent?—A. No, and I will tell you the reason why.

Q. Well I don't want the reason beyond your opinion?—A. Well, it is not consistent.

Q. It is not consistent however with fraud?—A. Consistent with fraud?..... Yes, anything is consistent with fraud that is not discovered.

Q. You cannot say that it is not fraud?—A. No I cannot.

Q. And there is nothing here to show you in the state of his intellect that he was not able to distinguish between right and wrong and know the quality of the act which he was committing?—A. No, I say that I think that he knows what right is from wrong and know the quality of the act he was committing, subject to his delusions, but mind you, I want to add to that, that many of the insane know right from wrong.

Q. And you know Dr. very well, that there is a class of insanity that is held responsible to the law?—A. You know I am not allowed to say anything about responsibility legally.

Q. You know that there is conflict between the courts and the doctors?—A. I know there is.

Q. And you know that the doctors have an idea that all mental diseases should be acquitted of crime?—A. No they don't all. For instance Maudsley has written a small book on the responsibilities of the insane. He is a most prominent man in England.

Q. He brings in, and the doctors have a tendency to bring in as irresponsible a very much larger class than the courts and lawyers?—A. I think not, I think of late years such men as Maudsley, Buchnell and Schuch, &c., and some of these recent investigators lean to the idea that insanity *per se* does not absolve from responsibility, you have to take each case on its own merits.

Q. There is a large class of insane people or cranks?—A. No, you cannot say, or cranks, because a crank is a different man altogether. A crank is a man who is normally a peculiar man from his birth upwards. An insane man is a man that has become so out of usual conduct, from disease.

Q. I did not bracket them together, I put them in the alternative?—A. You said "or cranks," I thought you meant lunatic equal crank.

Q. I put them as coming to each other's border line?—A. I thought you had an equation.

Q. It is so that a large number, then I should say, of insane persons ought to be responsible to the law?—A. There are some that are.

Q. For they know right from wrong and know the nature and quality of the act they perform?—A. When I speak about responsibility it is said the court should decide.

Q. That is when you are examined in chief but on cross-examination we have a little more liberty?—A. I see.

Q. You have been an expert witness in criminal cases?—A. Yes.

Q. How frequently?—A. Well I don't know, perhaps 9 of 10 times, perhaps more. I don't remember exactly the number.

Re-examined by Mr. FITZPATRICK.

Q. You said a moment ago that the conduct of this man might be consistent with the conduct for instance of such men as Smith and Young, and you were about to make distinction between the two and you were stopped?—A. Oh! Smith and Young were religious and enthusiasts, they carried out consistently their system. If you read Brigham Young's bible or if you read Mahomet's Koran if you like, or if you read any of those books issued by those men who are religious enthusiasts you will find that consistently

with common sense they have tact and discretion to carry on successfully till the end of their lives without intermission, a successful crusade of this kind, and their books contain sufficient consistency throughout to show you that these men were sound in mind as much as nature provided them with sound mind. That is the difference.

Q. Do you find anything of that kind in the present case?—A. No, I don't think he would make a very good Brigham Young, or El Mahdi.

Q. You say that he is quite capable of distinguishing right from wrong subject to his delusions?—A. Subject his particular delusion, yes.

MR. LEMIEUX.—This closes our defence, your Honor.

MR. ROBINSON.—We have some witnesses in rebuttal.

DR. JAMENS WALLACE, sworn, examined by Mr. Osler.

Q. Dr. What is your position?—A. I am medical superintendent of the asylum for the insane at Hamilton, Ontario.

Q. An institution having how many patients on the average?—A. Somewhere over 600.

Q. How long have you been making a branch, a specialty of the insane, of the study of the insane?—A. I have been in charge of that asylum nearly 9 years, but I have been studying insanity for a few years more than that.

Q. For more than 9 years?—A. Yes.

Q. And you see every variety of it, I suppose?—A. All shades and varieties.

Q. Now, did you devote yourself to the medical branch of it?—A. Entirely.

Q. You have nothing to do with keeping the hotel or boarding house?—A. Well, I have the general superintendence of the house, but I devote nearly all my time to the medical department of the asylum.

Q. Have you been listening to the evidence in this case?—A. Yes.

Q. Have you examined or had an opportunity of seeing the prisoner?—A. I saw him for about half-an hour, that is alone, not in court.

Q. And you have been here during the.....?—A. During the sitting of the court.

Q. Have you formed an opinion of his mental responsibility, of his sanity or insanity?—A. I have, so far as my time and opportunities enabled me to do so.

Q. What is your opinion?—A. I have not discovered any insanity about him, no indication of insanity.

Q. What would you say then in view of the evidence and your examination; is he of sound mind or is he not?—A. I think he is of sound mind.

Q. And capable of distinguishing right from wrong?—A. I think so.

Q. And know the nature and quality of any act which he would commit?—A. Very acutely.

Cross-examined by MR. FITZPATRICK.

Q. You have no doubt whatever in your mind, from the examination you have made of this man during half an hour and from the evidence which you heard here, that he is of perfectly sound mind?—A. Well, I should qualify, that is I should qualify my answer to that question. I have had only a limited examination of him and in any case of obscure

mental disease, it sometimes takes a very long time before one can make up their mind, but from what I have seen of him I say that I have discovered no symptoms of insanity.

Q. So that what you now say, Doctor, is purely and simply this, not that he is not insane, but that you have not been able to discover any symptoms of insanity?—A. That is what I say, I say that I have not discovered it. It would be presumption for me to say that he is not insane from the opportunities that I have had, but at the same time my opinion is pretty fairly fixed in my mind, that he is not insane.

Q. You are aware that a great many cases exist in which men are found to be perfectly insane, without it being possible to discover any trace of insanity?—A. Oh! sir, I have had patients in my Asylum for weeks sometimes before I found any symptoms of insanity.

Q. You are aware also, are you not, that there have been cases in England in which men were examined for a whole day and cross-examined by such men as Erskine for instance, perfectly insane, and during the whole day it was impossible for Erskine to discover that the man was insane?—A. Yes, I dare say such cases may exist, I am quite certain such cases have existed.

Q. You are quite certain such cases are in existence?—A. Yes.

Q. Therefore you are obliged to say that all that you have discovered in this case or all that you are now in a position to say is that you have not discovered any traces of insanity?—A. That is all my conscience will allow to say.

Q. You have heard of that particular form of mental disease known as magalomania probably?—A. Yes.

Q. Would you tell me what are the symptoms which are the characteristic of this disease?—A. That is a simple complication. That is a term which is scarcely ever used and I think it is only used by one writer, I don't remember any other who uses it in the English language and he simply introduces it and says....

Q. But one writer uses that name?—A. Only one that I can think of at the present time in the English language and he says that it is a condition in which the patient has delusions, grandiose delusions, delusions of greatness and most commonly complicated with that form of insanity called paralytic insanity or gentle paralysis.

Q. You are aware that this particular form of insanity is characterised among other things by extreme irritability on the part of the patient?—A. Not magalomania, magalomania simply applies to grandiose ideas. It can have no other definition than that, and these definitions allow me to explain, are delusions, they are delusions such as a person holding and believing himself to be a king or possessed of immense wealth, and that all the world is at his feet. These are the kind of delusions that are meant by magalomania as I understand them, and it has not any other meaning that I know of.

Q. The delusions are that he is rich?—A. Yes.

Q. And powerful?—A. Yes.

Q. A great general?—A. Yes.

Q. A great minister?—A. He may be a great anything and everything.

Q. A great prophet?—A. Yes.

Q. Or divinely inspired, or that he is a poet or a musician, in fact that he is an egotist and selfish man?—A. Yes.

Q. But you are quite sure that the characteristic of irritability is not one of the characteristics of this malady?—A. It is not a malady, it is merely a symptom.

Q. That is a form of mental disease?—A. It is not a mental disease, it is only a symptom of mental disease.

Q. You have heard of a book written and published by Dagoust, a French writer?
—A. I have heard of it but I have never read it.

Q. He is an author of repute, is he not?—A. I think so, but I don't read much French.

Q. Would you allow me to read to you what this author says. Talking of magalomania, he says: "What characterises this particular form of mental alienation is exaggeration of the sentiment of personality"; expansive passions, he says, is one of the consequences of it. He says, monomaniacs are happy, satisfied with themselves, and speak without a limit of their own personality. Now here is the part I speak to you about, the individual is susceptible, irritable, he is seized with sudden fury when he is at any time opposed in his idea...?—A. Well isn't that speaking of gentle paralysis, the insanity of gentle paralysis.

Q. It is under the head of magalomania, with the plates showing the different characters?—A. I understand that, but there are a vastly large number of manias, puerperomania and all that sort of thing.

Q. Would you keep to magalomania, that is what we now refer to, that is what the book refers to and what I refer to?—A. I stated that magalomania was one of the complications or symptoms of paralytic insanity, and that that you read, of course is one of the accompaniments of the paralytic insanity too, irritability and all that you stated, they are always found in connection with each other.

Q. And you now say that irritability is one of the characteristics of magalomania?
—A. No, I don't; magalomania, as far as I understand it, is one of the complications of the paralytic insanity and the irritability is also another symptom of paralytic insanity.

Q. We will just narrow the facts down to exactly what we have in evidence, that extreme irritability is one of the characteristics of this magalomania?—A. Simply...

Q. And the book shows, that I now hold in my hand, that it is one of the characteristics?—A. I think we do not understand each other.

Q. I am waiting for light?—A. I have stated that magalomania is a symptom commonly found in paralytic insanity, irritability and those other symptoms are also symptoms found in the same disease.

Q. So that now, irritability being one of the characteristics of paralytic insanity and magalomania being one of the branches of paralytic insanity, you now say irritability is one of the characteristics of magalomania?—A. Oh! But we find magalomania in other diseases and we find magalomania is simply mania.

Q. But in magalomania irritability is laid down by the book as one of the characteristics at all events?—A. Yes!

Q. So that now, Doctor, you are of opinion that the idea of grandeur and of power is not to be found anywhere, except in cases of paralytic insanity?—A. O! yes, we find it in simple mania. We find it in simple mania, but these are fixed delusions and persons who hold them say they believe themselves to be kings or queens, or great leaders, or wealthy people. They may be great in any thing, and great in every thing and they actually believe this and they act upon their belief, constantly act upon their belief.

Q. Did I understand you to say, Doctor, that the idea of grandeur is exclusively a symptom of paralytic insanity, that that is not to be met in other cases?—A. No, I have just stated now that you will find delusions.

Q. Is it not a fact that in cases of magalomania one of the characteristics of magalomania, one of the very essential characteristics of magalomania is that the individual who suffers from that particular form of mental disease is able in a very large measure to hide the disease from any person who endeavours to find it out?—A. Well, insane persons are able as I said before to conceal their delusions, sometimes for a length of time, but a per-

son suffering from magalomania does not attempt to do it, he is too proud to expose his delusions.

Q. So that one of the characteristics of it is pride?—A. Yes.

Q. Is there a case in which a man, for instance, would be under the insane delusion that he was destined to fill a great mission, that he was in a position to take possession of a great country such as this one is, would not that man be in a position to take such means as would be necessary to arrive at his ends and to take those means with a great amount of shrewdness and precaution?—A. That is quite inconsistent with my idea of magalomania. As I said before, my idea of magalomania is, as defined by Clouston, for instance, that that man is already in possession of all these things and he does not want any more.

Q. So that your idea is Dr that a man that is suffering from this particular disease is not in position and it is utterly impossible for him to take any steps to arrive at the conclusion which he pretends he ought to arrive at?—A. O yes! O! he does not require any plans at all, every thing flows into him, he is the greatest man in the world and every thing is subservient to him, wealth comes to him he does not want and he can command every body and they will obey him.

Q. So that he does not make any calculations at all and does not adopt any means at all to arrive at his ends?—A. Not at all.

Q. It is one of the characteristics of the malady that he is unable to do that?—A. Not unable, because he does not have to do it, he is so self-possessed and so self-contented.

Q. Now Dr, will you just read this little book again on that subject, (it is so much the more dangerous that he still retains the necessary faculty to be able to make calculations that are necessary to arrive at his ends?)—A. But is that speaking of magalomania?

Q. Under the chapter and title "Magalomania"?—A. Well, would you allow to quote from Clouston, he is speaking of mental depression and he says there are few cases of depressed feeling with exalted intellectual condition. Many persons exaggerate their former notions of wealth and position by way of contrast with their present misery. I had a woman in excited melancholy groaning all the time and then considered herself a queen and another a king, and of immense wealth. Some cases are of the nature of what the French call magalomania, that is, expansive grandiose exalted state of mind, which as a mental symptom, is best seen in gentle paralysis coupled with ideas of persecution, and with depressed feelings especially at times.

Q. Do you think there is anything in what you have read there that is inconsistent with what I have read to you, that contradicts that?—A. Well, there is nothing that contradicts it, but I say that magalomania is

Q. That is simply an interpretation of what this book has said here?—A. Well, we are not very far apart; we are only apart this far, that you wish to contend for magalomania as a disease, while I contend that it is only a symptom.

Q. We are not talking about symptoms of diseases at all. I ask you, was that one of the symptoms of magalomania and you said it did not exist in a case, and the book says that it does?—A. You are not doing me justice.

Q. I don't mean to do you an injustice, I don't mean to adopt any bullying process, it is not my habit, and I don't do it, I don't pretend to set my knowledge against yours in a matter of this kind, you are free to explain it. This magalomania was called formerly intellectual monomania, was it not?—A. Yes it is a monomania.

Q. It came under that general class of cases formerly?—A. Yes.

Q. Now, one of the symptoms of that malady—you have heard of a book written by Ducelle?—A. No, I never heard of that.

Q You don't know le grand Ducelle, the French author?—A. No, I don't know the book.

Q You never heard of a book of that kind; at all events, I cannot put the authority in evidence, as you don't know it, but I might ask you, for instance, whether or not in that particular form of disease which I have spoken to you about, that is, intellectual monomania, that insane persons believe they are in constant intercourse with God, and they believe themselves to be inspired, and believe themselves to be prophets, and their hallucinations are such that they suppose they are in constant intercourse with a Supreme Being?—A. Yes, I have known patients of that kind.

Q Have you ever heard of — (Giving the name of another French author)?—A. I don't want to hear of any French authors, I never read them.

Q You never got that far?—A. No.

Q Persons suffering from delusions of grandeur are perfectly harmless as a rule, are they not?—A. No, as a rule, they are not, not always, they sometimes are and sometimes they are not.

Q In cases in which they would be harmless, would you put two of these people in the same ward?—A. I never put two together anywhere, I never put two lunatics together anywhere. They are always kept either one, or more than two.

Q Would you put more than two together?—A. Yes.

Q Without any impropriety whatever?—A. Yes, our buildings are put up with a view to that.

Q I don't know if you understand my question, I suppose several persons suffering from the same... two kings, and a queen or two queens, you would put all these persons together in the same ward?—A. They might be and they might not.

Q You would not see any objection to that?—A. There would be no impropriety in putting them together, I think not.

BY MR. OSLER.

Q Where the disease exists, is the idea the result of the disease fixed and constant?—A. It is a result of the disease.

Q But is it fixed or intermittent?—A. In those cases they are fixed.

Q So that when a person has taken herself for a queen, she remains a queen?—A. She usually dies a queen.

Q In her own idea?—A. Yes.

Q And she is a queen to every body to whom she talks?—A. Yes.

Q Not sometimes a queen and sometimes otherwise?—A. No.

DR. JUKES SWORN, examined by MR. ROBINSON.

Q You are at present the medical officer attached to the mounted police force?—A. I am the senior surgeon of the mounted police.

Q And how long have you been in medical practice?—A. Thirty-five years.

Q Have you devoted your attention to insanity at all specially, or not?—A. Never specially; there are cases of course which occasionally will come under the notice of every general practitioner, but as a special study I have never done so.

Q Every medical practitioner, I suppose, has his attention more or less directed to it?—A. Occasionally I have been called upon to certify in cases of insanity.

Q You are also surgeon to the jail here I am told?—A. At present until a jail has been erected in the North-West Territories, the guard room at head quarters at Regina constitutes the jail.

Q In that capacity insane persons would pass under your hands, any person supposed to be insane?—A. Yes, I remember during the last few years a number of persons of unsound mind have been sent there as a place of confinement.

Q And in this way they have come under your observation?—A. They have come under my observation for the time.

Q You know the prisoner, I believe?—A. Yes.

Q How long have you known him?—A. I don't remember the exact date he was brought to Regina, but I think it must have been between the 20th and 24th of May.

Q But whatever it was, between the 20th and 24th?—A. About that time, I am not sure.

Q Since that time how often have you seen him?—A. I have seen him almost every day. There have been one or two or perhaps three days that I have missed seeing him, owing to pressure of other business, other work at that time, but I have seen him uniformly every day.

Q As a rule, you have seen him every day, although you have missed two or three or four days during that time?—A. Yes.

Q Then you had an opportunity, I suppose, of observing his mental condition?—A. I would speak to him on every occasion in passing him, and he has generally acquainted me with what he conceived to be his wants and his necessities. And I would examine into the condition of his physical and general health, and ascertain how his diet was agreeing with him and things of that kind, such as come under my special duty. And occasionally he would speak to me on other matters, occasionally he would delay me and speak to me on other subjects.

Q Then have you formed an opinion as to his mental state? I am speaking now of his insanity, sanity or insanity?—A. I have never seen anything during my intercourse with Mr. Riel, to leave an impression on my mind that he was insane.

Q Then as I understand, you believe him to be sane?—A. I believe him to be sane, far as my knowledge of such matter goes, I have seen nothing to induce me to believe otherwise.

Q I suppose you have had your attention directed to that part of his character more or less, I mean to his mental condition, more or less?—A. No, I have never seen anything to make me question his mental condition, and therefore I have never led the conversation under any circumstances to draw out any possible insane notion. I have never made any effort to do so, because my duty was otherwise.

Q What I mean is, Doctor, you have heard, I suppose, from time to time, rumors that there was an assertion of the unsoundness of his mind?—A. I have heard rumored that he had been formerly insane, and that he had been confined, I think, in the Beauport asylum, and I have heard it also rumored that it was the intention to bring forward the plea of insanity on the present occasion in his defence, that is the general rumor.

Q Therefore, I suppose you have had this thing in your mind, that is all: that part of his condition in your mind in speaking to him? That is all that I mean?—A. Yes, I have always watched him very carefully, so as to notice if possible any appearance of unsoundness of mind, and if I had noticed it, I would have placed him under special treatment as far as my knowledge enabled me to do or have advised further treatment for him, as I have done in other cases.

Cross-examined by MR. FITZPATRICK.

You said, Doctor, that you had not made any endeavour to ascertain, during the

intercourse that you had with Mr. Riel, whether or not he suffered from any particular mental disease? Did you notice any form of insanity, or any mental disease, unsoundness of mind?—A. I never specially examined him as a lunatic, I never made a special examination of him as a lunatic.

Q. You never made any special endeavour to discover whether or not he was suffering from any particular form of mental disease?—A. Never any special endeavour, anything beyond ordinary conversation of the day.

Q. Is it not a fact there are different forms of insanity which are not discoverable except after considerable endeavours has been made to discover them?—A. Yes, it is so, unquestionably, that you may converse with the man continually and not be aware of his insanity until you touch accidentally, or some other person touches accidentally upon the point upon which he is insane.

Q. Had you been informed at any time of the particular mental disease from which Mr. Riel was supposed to have been suffering?—A. I don't think I ever knew as much of it as I have learned here.

Q. So that you never made any endeavour to...?—A. I never did, that is, I never spoke to him specially with regard to what he believed to be his mission, knowing that many very sane men might be so and yet a man might be perfectly sane.

Q. So that you have no doubt at all, Doctor, from the evidence that you heard here given by the different witnesses who were examined, the conduct of Mr. Riel is perfectly compatible with a perfectly sound mind?—A. Well, I regret to say that my hearing is rather imperfect in the court room and that I have not been able to hear as well as I could wish the translations that were made of the examinations in French, but, so far as my understanding has gone of the evidence which has been given, I have heard nothing that would satisfy me that he was of unsound mind, I have heard nothing that might not be accounted for by other causes, that, for instance, of fraud or deception. A man might really believe that he had a mission as many great men have believed, or he might only pretend for a purpose that he had that belief.

Q. A man might also labor under the insane delusion that he had a mission?—A. He might also labor under the insane delusion; but the fact of his laboring under that insane delusion, would not necessarily imply that he was otherwise insane or incompetent either to perform business in a successful manner or to be responsible for his action. That would be my own judgement.

Q. But *quoad* the particular delusion... in so far as the particular delusion under which he is suffering is concerned, he would be still responsible in your opinion, Doctor, supposing for instance that a man labored under the delusion that his neighbor was a savage dog, and was endeavouring to destroy him and bite him, and that he killed his neighbor, he might be perfectly sane in other respects?—A. You misunderstand me, if you think I entertain that opinion.

Q. That is not the opinion you entertain?—A. Certainly not.

Q. So that if a man is laboring under an insane delusion, the acts which he does while he is under that insane delusion, *quoad* the particular delusion, he is not responsible for?—A. If a man is clearly... if it can be proved that a man is acting under an insane delusion, then any act I should consider which he performed under the delusion, any act having special relation to his delusion, I should consider that he was not personally responsible for, if it could be shown clearly that that delusion was an insane one, and that it was not rather a feigned one for a purpose.

Q. So that if it can be proven that a man is labouring under an insane delusion, that he was in communication with the Holy Ghost and was acting under the direct inspiration of God, and he was bound to do a certain act, and he did it, would he be responsible for that act?—A. Views on subject of that kind are so different even among those who are confessedly sane, that it is hardly one on which I could base an opinion. There

are men who have held very remarkable views with respect to religion and who have always been declared to be insane until they gathered together great numbers of followers and became leaders of a new sect, then they become great prophets and great men. It is extremely difficult to tell how far a delusion of that kind may begin as a direct attempt at fraud and may at last so take possession of a man's mind that he may believe himself divinely inspired. I think that cases of that kind could be produced and it would depend very much upon the mental condition of a man whether he was responsible? If it could be shown that he was clearly insane, he is clearly irresponsible on that point. That would be my own view.

Q. So that if it can be clearly shown that he was laboring under a delusion, that he was divinely inspired, directly from God, you think he would not be responsible for his actions?—A. Responsible for what?

Q. Responsible for his actions in connection with the delusion of course?—A. What actions would they be? Such actions as what?

Q. Such actions as he might do for the purpose of carrying out his insane delusion?—A. Well, take Mahomet for instance. That was exactly Mahomet's belief; he believed and few believed with him even of his own people that he was divinely inspired, but he acted on his belief and he carried his whole belief with him. He believed and he carried it out at the point of the sword and with the whole world, and he convinced the people of what, if he had failed, would have been simply regarded as a delusion in his own mind.

Q. So that you think the conduct of Mr. Riel perfectly compatible with the conduct for instance of a man like Mahomet, or a man like Smith or a man like Young?—A. No. I don't regard... so far as I understand them, Mr. Riel's views in that light. My opinion is rather in regard to Mr. Riel, if you will allow me to say it, as far as I have been able to judge from my own personal knowledge, that he is a man of great shrewdness and very great depth, and that he might choose, knowing the great influence which he exercised over these people who have a much inferior education to his own, that regarded him in the light almost of a saviour... I have thought that he might have assumed for the purpose of maintaining his influence with them, more than he really believed.

Q. That is your impression, Doctor?—A. I have thought that it might be so. I don't think it is, for I have never heard him speak on the subject. I have never heard him speak on that subject, and I gather that knowledge only from a general knowledge of what has taken place, and from personal knowledge which I acquired in speaking with Mr. Riel, but never on that subject.

Q. And of course that knowledge is also based upon a very imperfect hearing of the evidence?—A. On this evidence to day, it is not based. I had a very imperfect hearing of the evidence of to-day, I am speaking only of the general judgement I formed in my own mind, entirely apart from the evidence as given in this room: that is what I speak of.

Q. That is entirely outside of what you have heard here?—A. Yes, not, let me observe, contrary to what I have heard, though it may be contrary to what I have not heard.

Q. So that, now, Doctor, you are perfectly aware, are you not, that insane men have exhibited very great shrewdness in some respects?—A. Yes.

Q. Now, are you in a position to say, Doctor, on your oath that this man here is not insane?—A. I am in a position to say that after a very considerable amount of conversation with him, and daily communication with him, I have never spoken to him on a single subject on which he has spoken irrationally.

Q. And you have never spoken to him on the particular subjects with reference to which he is supposed to have his delusions?—A. Name the subject.

Q. On religion, and on his mission with reference to the North-West Territories?—
A. I have never spoken to him on either.

Q. Mr. OSLER.—We may, Your Honor, be able to shorten our evidence in reply, if it would be convenient to adjourn now (Five P. M.) It is impossible to close the case to night, and it would be a matter of convenience if your Honor would adjourn now.

Mr. Lemieux. We agree if your Honor consents to it. We don't want to be responsible.

Court here adjourned till 10 A. M.

Regina, Friday and Saturday, July the 31st. and August 1st. 1885.

CAPTAIN HOLMES YOUNG, (recalled) examined by Mr. Robinson.

Q. We have heard from you as to the part you took in this rebellion and I need not go over that again. The prisoner was in your charge for a certain time?—A. Yes.

Q. When was he given in your charge?—A. On the evening of the 15th May.

Q. By whom?—A. By Major-General Middleton, commanding the forces.

Q. What were your instructions? what were you to do with him?—A. I was responsible for the prisoner to hold him. On Sunday afternoon I received instruction to leave with him for Regina.

Q. Was it on Sunday afternoon that he was given into your charge?—A. He was given into my charge on Friday and remained in my charge till Sunday, when I received the order I have mentioned. We left on Monday at eleven and thirty minutes.

Q. When did you deliver him out of your charge?—A. I delivered him here on the 23rd of May.

Q. From the time he first came under your charge till the 23rd of May, he was constantly in your charge?—A. Yes.

Q. Day and night?—A. Yes.

Q. Had you much conversation with him?—A. About himself and his conduct and the part he took in the rebellion. We conversed almost constantly and very freely.

Q. Upon what subject?—A. We conversed on almost every subject connected with the rebellion.

Q. Well then, will you tell us what you think material and of importance in his conversation regarding the rebellion, and his own conduct and the part he took in it?—
A. During the term of eight or nine days that I was living with him entirely there was an immense amount of conversation. I have no notes to help me in speaking and my remarks may be a good deal rambling.

Q. Well, tell us?—A. He did not speak in reference to Fish Creek, he spoke in reference to Duck Lake, as I said the other day.

Q. Did he speak in reference to his general view and the conduct of the campaign?—
A. In reference to his general view, as to the conduct of the campaign, he expressed himself in this way, that he was not so foolish as to imagine that he could wage war against Canada and Great Britain. But he hoped by the first success to compel the Canadian Government to consider the situation or accede to his demands. He placed it in this way, he hoped to surround and capture Major Crozier's forces and with them as hostages to compel the Canadian Government to consider the situation, but they failed in that.

Q. Did he say how he failed to capture Crozier?—A. A battle occurred and the

police retired; he was attempting as I said to surround the police force, but the fight commenced and the police retired. He spoke in reference to attacking the column advancing from Qu'Appelle to the front. He said he did not imagine he could fight the army in the field and the reason he did not adopt guerilla warfare, was that he hoped by remaining quiet to induce the General to send a small force or to come ahead with a small force himself, and he hoped to capture that small force and with them as hostages to compel the Canadian Government to consider the situation. They failed in that. And then he made the attempt to capture the steamer Northcote, his intention being when he had captured those on board to hold them as hostages to compel the Canadian Government to consider the situation. He said he did not sever communication with the East by telegraph because he hoped to use the telegraph when he captured the hostages.

Q. Those were the general views he expressed as to the situation and the system on which he intended to carry on the campaign and hoped of success? Did he talk about religious matters?—A. I noticed that when the conversation was reaching a point that might be of great importance and if he wished for time to answer or to evade the point of the conversation, he immediately turned on religious matters.

Q. He seemed to use his views on religious matters in that way?—A. I so regarded it.

Q. Did he express any special views about religion when he did turn the conversation?—
A. We had a conversation on the subject of the days of the week and the subject of the reformed church.

Q. Tell us any views he expressed on those subjects?—A. His views as to hell was that God's mercy was too great to be sinned away by any person during the short time he had to live; he said there was a period of punishment and after that the person would be forgiven. In reference to the reformed Church and the days of the week, he said that when the Christian Church emerged from paganism it brought some of the remains of paganism with it and he instanced the days of the week. He wished to purify Religion in Canada and particularly in the North West, west of those parts.

Q. Any other matter?—A. He especially mentioned about the infallibility of the Pope. I do not think he referred to any other dogma of the Church except that he desired that the government of the Church might be located in Canada; once or twice the conversation went back to the days of '69 and '70, and he spoke in reference to Archbishop Taché as a friend who had been very good to him and he did not wish me to understand him as saying anything against Archbishop Taché, or Bishop Bourget of Montreal, because he felt that they were personal friends, but he felt that he was right and even personal friendship would have to give way.

Q. Are there any other general topics on which you conferred with him and on which he gave you any information?—A. He talked about the Indians in different parts of the country, about Irish aid from the United States, about the battle of Batoche and several incidents that occurred there. He spoke about the rebellion of '69 and '70 and during the trip in waggons from Saskatoon to Moose Jaw we talked on almost every circumstance and subject. One day when we camped at noon, in moving around the camp ground to place sentries, I saw some Indian signs which I destroyed. I called his attention to them and he said it was possible they might have been left there by a lodge of Indians going from the Cypress Hills to help him at Batoche.

Q. Is there anything else that occurs to you, of course you cannot relate all the conversation, was there any other subject upon which you had conversation that you recollect?—A. When we found the books and papers in the council room we found the word "Exovede". This bothered us a great deal, I could not translate it at all and one of the first things that I asked the prisoner was what the meaning of that was, he wrote the meaning of the word in my note book, he wrote also the meaning of his mission in the note book.

Q. Do you remember what it was?—A. He said that every one had a mission, and

that his mission was to accomplish practical results. The meaning of the word "Exovede," was he said from two Latin words, *ex* "from," *ovile* "the flock." That the councillors were members of the flock. He himself professed not to be from exovede, that there was an exovede outside of him with the president.

Q. Does anything else occur to you, I don't wish you to give all the conversation; if you tell us what is important and material, that will be satisfactory to me?—A. That is all I can think that will have any bearing on the case, there was a great deal of conversation.

Q. From first to last of these conversations with you, did you observe anything to arouse a suspicion or indicate that he was of unsound mind?—A. None at all, certainly not, I found that I had a mind against my own and fully equal to it, better educated and much more clever than I was myself. He would stop and evade answering questions with the best possible advantage.

Q. The idea of mental aberration, unsoundness of mind, never occurred to you?—A. I believe it was for a purpose, what has been given as a reason for insanity.

Q. Did he profess to you to have the Spirit of God or the power of prophecy?—A. No, never to me.

By MR GREENSHIELDS.

Q. What experience have you had in dealing with people of unsound mind?—A. None at all.

Q. You are only speaking now from the conversations you had with the prisoner?—A. Merely from the nine days I lived with him.

Q. You never had a medical education in that respect?—A. No.

Q. You do not consider yourself in a position to give an opinion as to sanity?—A. I could not give a medical opinion, but I consider that during the nine days I was living with him, I would know if I was living with a lunatic.

Q. Did you hear Doctor Clark state that it would take three or four months to find out whether a person was insane, in many cases?—A. I did.

Q. Do you think you are as clever as these doctors who have stated that?—A. I think, living with him as I did, it would be different.

Q. Did you hear the doctor say it would require constant conversation with the person to discover?—A. Not constant, such intercourse as the superintendent of an asylum would have.

Q. Have you got that little book he wrote in?—A. The Counsel for the Crown have it.

Q. You state that he told you his mission was to produce practical results?—A. Yes, the exact words are in the little note book.

Q. You gave him the book and asked him to write in it?—A. He asked for my book to write in it, so that it would be correct and that there would be no misunderstanding about it after.

Q. Did he tell you what the practical results of his mission was to be?—A. He spoke frequently of the annihilation of the Métis by the Hudson Bay company and the mounted police. I wanted to get at the meaning of the annihilation, but I could not succeed, he evaded me.

Q. The practical results did he explain to you?—A. His explanation was that he wanted to save the people of the North West from annihilation.

Q. That was the practical result of his mission as you gathered in conversation with him?—A. He evaded me, he would not come down to particulars.

Q. Did he tell you anything as to dividing the Territories among different nationalities?—A. No, the first I heard of that was in the court room.

Q. You stated that he said he was not foolish enough to imagine that he could wage war against England and Canada?—A. I asked him how he expected with 700 or 800 men to wage war against three millions of people.

Q. You included England?—A. Yes, being the governing country (note book handed to witness who reads) "I have a mission, so has everybody; for me I understand my mission in this way: to bring about practical results."

Q. I understand there is something in your book in reference to the word "exovide"?—A. It is lengthy.

Q. No matter, let us have it?—A. It is as follows: "exovede," from Latin word *exovede*, "flock," from two Latin words, *ex*, which means, "from," and *ovile*, "flock." That word I made use of to convey that I was assuming no authority at all. And the advisers of the movement took also that title instead of councillors or representatives; and there purpose in doing so was exactly the same as mine, no assumption of authority. We consider ourselves a part of society and near us and other parts of the same society attempted to rule over us improperly and by false representations and through bad mismanagement of public affairs were injuring us greatly; at the same time they were obtaining the ear of the Government; they were turning all the press against us. The situation was leading us simply to annihilation! Without assuming any authority than that which exists by itself in the condition of our nature; we recurred to the right of self-preservation and those who agreed to act together in the protection of their existence, threatened in so many different ways, took the names of *exovede*, so that having their distinctive title for the time being and to be known by the men of the movement when the crisis would be over, the reaction would be as light as possible for the reason that what would have been undertaken and accomplished under the sound authority of good sense, could have no other result than good ones, and consequently the movement proved to be less a disturbance than a remedy to some things which were previously going too far in the wrong. Several times it is true we made use of the words representatives, members of the council but we had to do it until the word *exovede* was understood and until it would begin to become usual among the men of the movement. So the council itself is not a council and being composed of "exovedes," we have called it "Exovedate."

GENERAL MIDDLETON, recalled, examined by Mr. Robinson.

Q. General Middleton, you have been examined already in this case, on what date did you see Riel come into your custody?—A. on the 15th of May, I think.

Q. And how long was it before he left your camp?—A. On the morning of the 19th.

Q. So he was with you almost four days?—A. Yes, three or four days.

Q. And during that time had you much conversation with him?—A. No, not much. I had more conversation with him the first day than any other, for I had him for the first part of the day, in fact nearly the whole day, in my tent, until I prepared another place for him, so that I really talked more with him on that day than any other.

Q. That was immediately after his capture?—A. Yes.

Q. Can you give us any general idea what your subjects of conversation with him were and what he said about himself and his party and his plans?—A. Well, I did not ask him much about them. I remember asking him some questions similar to what Captain Young has told you. I remember asking him why he confined himself to cutting the telegraph wire only between Frog Lake or between that station and Prince Albert, why he confined himself to only removing that and not removing the other wire all

around me, and as near as I can remember, his answer was that he only wanted to cut off the police from Prince Albert and that he thought he might deprive them of being able to communicate with the rest of Canada, and that he would probably want to use it himself. And then I asked him how he came to think he would be able to wage war against Canada with England at its back, because, I said, England would of course have come to the front at Canada being beaten; that it would have been impossible for him to hope to succeed against Canada, and he gave me very much a similar answer, that he did not expect to be able to beat them, but he thought that by dint of showing a good bold front that he would probably get better terms from the Government, and he seemed to have an indefinite idea, a sort of idea of taking everybody prisoner he could lay hold of, that he thought he could take Major Crozier, and he said he hoped to take me prisoner, and that he would then have got better terms.

Q. Taking hostages in point of fact?—A. Yes, hostages, that was the general view I think, by means of which he would obtain better terms.

Q. Is there anything else he said to you on the subject that you remember?—A. No, I cannot really remember anything more.

Q. Did he speak to you on religious subjects?—A. Yes.

Q. What were his views?—A. He often turned the conversation to religious subjects. He told me some of his views. Some of them I had nothing to say against. I used to listen to what he had to say. He told me Rome was all wrong and corrupt, and that the priests were narrow-minded and had interfered too much with the people, and other of his ideas were excessively good, he told me he thought religion should be based on morality and humanity and charity. He talked in that sense and style.

Q. You cannot remember anything else just now that he said to you?—A. No.

Q. During all your intercourse with him, did you see anything whatever to indicate any suspicion of unsoundness of mind in him?—A. No, I cannot say I did, on the contrary.

Q. Did it occur to you there was any reason to imagine the man was not perfectly sound in mind?—A. No, I should say on the contrary he was a man of rather acute intellect. He seemed quite able to hold his own upon any argument or topic we happened to touch upon.

Q. That idea never occurred to you?—A. Of course I had heard constantly before about reports of his insanity. I heard for instance one or two of the people that escaped from him, scouts, Half-breeds. One man, I remember, told me "Oh? Riel is mad, he is a fool." He told me that he was doing at Batoche." So that I really had heard it, but I came to the conclusion he was very far from being mad or a fool.

Q. That was your conclusion?—Q. Yes, that was my conclusion.

Examined by Mr. GREENSHIELDS.

Q. Did that man say what Riel was doing at Batoche?—A. Nothing, he simply said Riel was a fool and shrugged his shoulders.

Q. The letters addressed to you by Riel were signed by him "Escorede"?—A. I believe they were.—No, I don't think they were, you have them there.

Q. Of course you never had seen Riel previous to his surrender on the 15th?—A. Never.

CHARLES BRUCE PITBLADO sworn, examined by Mr. OSLER.

Q. You live in Winnipeg and are a clergyman?—A. Yes.

Q. Were you on the boat when the prisoner was brought down the Saskatchewan?—A. I was on the *Northcote* with Riel.

Q. From what date and for how long?—A. We were on the boat Monday, Tuesday and part of the Wednesday.

Q. Were you in his company otherwise?—A. I accompanied him to Regina.

Q. How many days were you on the way altogether?—A. Five days. We came here on Saturday and had left on the Monday.

Q. Had you any conversation with him?—A. Several conversations with him.

Q. On what subjects?—A. Well, on various subjects, on the rebellion, as I call it, also on his religious views and we spoke of various other subjects.

Q. Did he give you his plans, his schemes, what he hoped to get by the rebellion?—A. Yes, his general scheme was this: he hoped to induce the Government to make a treaty with him or with the Half-breeds of the North-West similar to the treaty they had made with the Half-breeds of Manitoba. That was what he stated to be his chief object.

Q. How did he hope to accomplish that with his force?—A. He told me first of having sent his bill of rights or representation of his grievances to the Government.

Q. How did he hope with his organisation to get what he wanted?—A. It would be necessary for me to tell just how the matter progressed.

Q. No, we only want what is material?—A. Well, he hoped to get the police in his power, so that whilst they were held, I suppose as hostages, he said simply while he held them, that he might negotiate with the Government while they were in his power.

Q. Then did he say how that failed?—A. He explained how that failed at Duck Lake.

Q. Did he tell you what his object was at Duck Lake?—A. His object was to get hold of the police, so that while they were in his power he might negotiate with the Government.

Q. Then failing that, what was his next plan?—A. To meet General Middleton's forces at Fish Creek and if they suffered reverses of which he was pretty confident they would, that he would then send word to the Indians and while the troops in the country were busy with the Indians, who he felt confident would rise, that then he would be able to negotiate with the Government. That is substantially the plan as it impressed itself on my mind.

Q. The second plan was to meet him at Fish Creek and then raise the Indians and whilst the country was engaged with the Indians, to carry on negotiations with the Government?—A. That is substantially what I understood it to be.

Q. Failing that, what did he expect to do?—A. Well, if that failed, and of course it did fail, he still hoped to meet General Middleton at Batoche and he would be able to hold him at bay long enough to negotiate with the Government.

Q. These were his three different steps?—A. His three different steps.

Q. All ending with the one object?—A. Yes, to get a treaty with the Government.

Q. Now you had a conversation with him, how frequently?—A. I had them often and during the whole of that time. I could not tell the number, we often spoke together.

Examined by Mr. GREENSHIELDS.

Q. How long did you say you had been with him on the boat altogether?—A. From Monday to Saturday, from the time they started from Guardupuy crossing, till we came to Regina.

Q. You never had seen or met Mr. Riel before that time?—A. Never.

Captain RICHARD DEANE, sworn, examined by Mr. BURBIDGE.

- Q. You belong to the North West mounted police?—A. Yes.
- Q. Has the prisoner been in your charge?—A. Yes, since the 23rd of May last.
- Q. Have you had occasion to visit him frequently?—A. Yes, I have seen a good deal of him from first to last.
- Q. Since that time up to the present?—A. Yes.
- Q. You have conversed with him?—A. Yes.
- Q. Principally on what subjects?—A. Chiefly subjects affecting prison discipline and as to his diet and concessions as to liberty. All requisitions must be made to me.
- Q. Have you been always able to grant them to him?—A. Well, not always.
- Q. When refused did he show any excitement or irritability?—A. No, his manner was most polite and suave and he never altered his manner in the least.
- Q. From the observation you had of him, have you seen anything to indicate he is not of sound mind?—A. Nothing whatever.
- Q. Anything to indicate the contrary?—A. Yes, I think so, he always gave me the impression of being very shrewd.

JOSEPH PIGOTT, sworn, examined by Mr. Burbidge.

- Q. You are a member of the North West mounted police?—A. Yes.
- Q. What is your position?—A. Corporal.
- Q. You have had charge of the prisoner?—A. Yes.
- Q. Since when?—A. 22nd of May.
- Q. Have you been his keeper?—A. I have.
- Q. Did you see him daily?—A. Many times a day.
- Q. Have you conversed with him?—A. I did not converse with him.
- Q. You have had frequent opportunity of observing him?—A. Yes.
- Q. Have you seen anything in his conduct to show he is not of sound mind?—A. No Sir, I always considered him of sound mind.
- Q. You have heard him speak?—A. Often, Sir.
- Q. And he spoke with good reason?—A. With reason and politeness.
- MR. OSLER. That is the close of the evidence in reply.
- MR. FITZPATRICK follows, and after him the prisoner.

THE PRISONER'S ADDRESS.

Your Honors, Gentlemen of the Jury: It would be easy for me to-day to play insanity, because the circumstances are such as to excite any man and under the natural excitement of what is taking place to-day (I cannot speak English very well, but I am trying to do so, because most of those here speak English). Under the excitement which my trial causes me would justify me not to appear as usual, but with my mind out of its ordinary condition. I hope, with the help of God, I will maintain calmness and decorum as suits the Honorable Court, this Honorable Jury. You have seen by the papers in the hands of the Crown that I am naturally inclined to think of God at the beginning of my actions. I wish, if I do it, you won't take it as a mark of insanity, that you won't take it as part of a play of insanity. Oh my God! help me through thy grace and the divine influence of Jesus Christ. Oh my God! bless me, bless this honorable Court, bless this Honorable Jury, bless my good lawyers who have come 700 leagues to try to save my life, bless also the lawyers for the Crown, because they have done, I am sure, what they thought their duty. They have shown me fairness which at first I did not expect from them. Oh my God! bless all those who are around me through the grace and influence of Jesus Christ Our Saviour, change the curiosity of those who are paying attention to me, change that curiosity into sympathy with me. The day of my birth I was helpless and my mother took care of me although she was not able to do it alone, there was some one to help her to take care of me and I lived. To-day, although a man, I am as helpless before this Court, in the Dominion of Canada and in this world as I was helpless on the knees of my mother the day of my birth. The North West is also my mother, it is my mother country, and although my mother country is sick and confined in a certain way, there are some from Lower Canada who came to help her to take care of me during her sickness, and I am sure that my mother country will not kill me more than my mother did forty years ago, when I came into the world, because a mother is always a mother, and even if I have my faults, if she can see I am true, she will be full of love for me. When I came into the North West in July, the first of July 1884, I found the Indians suffering, I found the Half-breeds eating the rotten pork of the Hudson Bay Company, and getting sick and weak every day. Although a Half-breed and having no pretension to help the whites, I also paid attention to them, I saw they were deprived of responsible Government. I saw that they were deprived of their public liberties, I remembered that Half-breed meant white and Indian and while I paid attention to the suffering Indians and the Half-breeds, I remembered that the greatest part of my heart and blood was white, and I have directed my attention to help the Indians, to help the Half-breeds and to help the whites to the best of my ability. We have made petitions, I have made petitions with others to the Canadian Government, asking to relieve the condition of this country. We have taken time, we have tried to unite all classes even if I may so speak, all parties. Those who have been in close communication with me know I have suffered, that I have waited months to bring some of the people of the Saskatchewan to an understanding of certain important points in our petitions to the Canadian Government and I have done my duty. It has been said in this box that I had been egotistic. Perhaps I am egotistic. A man cannot be an individuality without paying attention to himself, he cannot generalize himself though he may be general. I have done all I could to make good petitions with others and we have sent them to the Canadian Government, and when the Canadian Government did answer through the under-secretary of State to the secretary of the joint committee of the Saskatchewan, then I began to speak of myself, not before. So my particular interest passed after the public interest. A good deal has been said about the settlement and division of lands, a good deal had been said about that. I do not think my dignity to-

day here would allow me to mention the foreign policy, but if I was to explain to you or if I had been allowed to make the questions to witnesses, those questions would have appeared in an altogether different light before the Court and Jury. I do not say that my lawyers did not put the right questions. The observations I had the honor to make to the Court the day before yesterday were good; they were absent of the situation, they did not know all the small circumstances as I did. I could mention a point, but that point was leading to so many, that I could not have been all the time suggesting by it: I don't wish it understood that I do not appreciate the good work of my lawyers, but if I were to go into all the details of what has taken place, I think I could safely show you that what Capt. Young said, that I am aiming all the time at practical results, are true and I could have proved it. During my life I had aimed at practical results. I have writings and after my death I hope that my spirit will bring practical results. The learned lawyers for the Crown have produced all the papers and scribbling that was under their hands, I thank them for not having brought out those papers which are so particular to myself, though as soon as they saw what they were, they should not have looked at them. I have written not books, but many things. All my papers were taken: I destined the papers to be published, if they were worth publishing, after my death. I told Parenteau, one of the prisoners, to put all my books under ground, he did not do it, at that time they acknowledged my order, that is why I say so. He did not put my books away in time, and I am not sorry. I say I thank the learned lawyers for the Crown for having reserved so many things, and if by the Almighty power of God I go free from this trial, I have such confidence in British fairness that all my papers will be returned to me, at least the originals and if copies are wanted I will be willing to give them. No one can say that the North-West was not suffering last year, particularly the Saskatchewan: for the other parts of the North-West I cannot say so much, but what I have done and risked and to which I have exposed myself rested certainly on the conviction I had to do, was called upon to do something for my country.

It is true, I believed for years I had a mission and when I speak of a mission, you will understand me not as trying to play the rôle of insane before the Grand Jury so as to have a verdict of acquittal upon that ground.

I believed that I had a mission, I believe that I had a mission at this very moment. What encourages me to speak to you with more confidence in all the imperfections of my English way of speaking, it is that I have yet and still that mission, and with the help of God, who is in this box with me and he is on the side of my lawyers, even with the honorable Court, the Crown and the Jury, to help me and to prove by the extraordinary help that here is a Providence to-day in my trial as there was a Providence in the battles of the Saskatchewan.

I have not assumed to myself that I had a mission. I was working in Manitoba first and I did all I could to get free institutions for Manitoba. They have those institutions to-day in Manitoba and they try to improve them, while myself who obtained them, I am forgotten as if I was dead. But after I had obtained with the help of others a constitution for Manitoba, when the government at Ottawa was not willing to inaugurate it at the proper time, I have worked till the inauguration should take place and that is why I have been banished for five years. I had to rest five years. I was unwilling to do it. I protested. I said: Oh my God! I offer you all my existence for that cause and please to make of my weakness an instrument to help men in my country. And seeing my intentions, the late Archbishop Bourget said: "Riel has no narrow views, he is a man to accomplish great things" and he wrote that letter of which I hope that the Crown has at least a copy. And in another letter when I became what Drs. believed to be, insane, Bishop Bourget wrote again and said: "Ye be blessed by God and man and take patience in your evil." Am I not taking patience? Will I be blessed by man as I have been by God?

I say that, I have been blessed by God and I hope that you will not take that as a presumptuous assertion. It has been a great success for me to come through all the dangers I have in that 15 years. If I have not succeeded in wearing a fine coat myself I have at the same time the great consolation of seeing that God has maintained my views; that he has maintained my health sufficiently to go through the world and that he has

kept me from bullets when bullets marked my hat. I am blessed by God. It is this trial that is going to show that I am going to be blessed by man during my existence; the benedictions are a guarantee that I was not wronged when by circumstance I was taken away from my adopted land to my native land. When I see British people sitting in the court to try me, remembering that the English people are proud of that word "Fair play," I am confident that I will be blessed by God and by man also. Not only Bishop Bourget spoke to me in that way, but Father Jean-Baptiste Bruno, the priest of Worcester, who was my director of conscience, said to me: "Riel, God has put an object into your hands the cause of the triumph of religion in the world, take care, you will succeed when most believe you have lost." I have got those words in my head, those words of J. B. Bruno and the late Archbishop Bourget.

But last year, while I was yet in Montana, while I was passing before the catholic church, the priest, the Revd. Father Frederick Ebeville, curate of the church of the Immaculate Conception at Benton, said to me "I am glad to see you, is your family here?" I said yes; he said "Go and bring them to the altar, I want to bless you before you go away" and with Gabriel Dumont and my family we all went on our knees at the altar, the priest put on his surplice and he took holy water and was going to bless us. I said will you allow me to pronounce a prayer while you bless me; he said yes, I want to know what it is. I told him the prayer, it is speaking to God "My father bless me, according to the views of thy Providence which are beautiful and without measure." He said to me: "You can say that prayer while I bless you" Well he blessed me. I pronounced that prayer for myself, for my children and for Gabriel Dumont. When the glorious general Middleton fired on us during three days and on our families and when shells went and bullets went as thick as mosquitoes in the hot day of summer, when I saw my children, my wife, myself and Gabriel Dumont were escaping, I said that nothing but the blessing without measure of Father Frederick Ebeville, could save me, and that can save me to-day from these charges. The benediction promised to me surrounded me all the time in the Saskatchewan and since, it seems to me that I have seen it. Capt Deane, corporal Prickart and the corporals of the guard who have been appointed over me have been so gentle while the papers were raging against me show that nothing but the benediction of God could give me the favours I have had, in remaining so respected among these men.

To-day, when I saw the glorious General Middleton bearing testimony that he thought I was not insane, and Captain Young prove that I am not insane, I felt that God was blessing me and blotting away from my name the blot resting upon my reputation on account of having been in the lunatic asylum of my good friend Dr Roy. I have been in an asylum, but I thank the lawyer for the Crown who destroyed the testimony of my friend Dr Roy, because I have always believed that I was put in the asylum without reason, to-day my pretension is guaranteed and that is a blessing too in that way. I have also been in the lunatic asylum at Longue-Pointe, and I wonder that my friend Dr Lachapelle who took care of me charitably, and Dr Howard are not here. I was there perhaps under my own name.

Even if I was going to be sentenced by you, Gentlemen of the Jury, I have this satisfaction that if I die, I will not be reputed by all men as insane, as a lunatic. A good deal has been said by the two Revd Fathers André and Fourmond. I cannot call them my friends, but they made no false testimony, I know that a long time ago they believed me more or less insane. Father Fourmond said that I would pass from a great passion to great calmness, that shows great control under contradiction and according to my opinion and with the help of God, I have that control.

Mr Charles Nolin when he went into the box did not say that he was sworn with me in all the affairs, that I did far from taking them as insane affairs; he was in them under the cover of an oath with four of us, he did not say that in the box. My word is perhaps not testimony but if he was asked in the box to say if there was an oath taken, he could not deny it and he would have to name the four men and would have to name himself.

When he speaks of resigning a contract in my favor, I did not ask it, the Government would not give it to me, besides he was engaged in a movement against the Government, and to take a contract from the Government was certainly a weakness upon his pa-

and I told him not to compromise his cause, and I told him to withdraw instead of going ahead till we saw if we were going to be listened to at all. He wanted me to make a bargain and to renounce my American citizenship. I told him that it was a matter of more strength that I should be an American citizen, not that I want to make any ground of it, but as it took place naturally and as the fact existed, I wanted to take advantage of it as such. I told him it is of advantage for you that you should have me an American citizen. I have no bargain to make with you about my American papers, no bargain on such a matter as that. Mr. Charles Nolin speaks of my own ambition, and other witnesses also. There are men among the prisoners who know that last year Mr. Renez and Mr. Joseph Forget came to the Saskatchewan and said I could have a place in the Council if I wanted it, and that it was a good chance for the Half-breeds of the Saskatchewan. If I had been so anxious for position I would have grasped at this place; but I did not, and Mr. Nolin has some knowledge of that. I speak of those things to defend my character as it has been said that I am egotistical.

The agitation in the North-West Territories would have been constitutional and would certainly be constitutional to-day, if in my opinion we had not been attacked. Perhaps the Crown has not been able to find out the particulars that we were attacked, but as we were on the scene it was easy to understand. When we send petitions to the Government, they used to answer us by sending police, and when the rumors were increasing every day that Riel had been shot here or there, or that Riel was going to be shot by such and such a man, the police would not pay any attention to it. I am glad that I have mentioned the police, because of the testimony that has been given in the box during the examination of many of the witnesses. If I had been allowed to put questions to the witnesses I would have asked them when it was I said a single word against a single policeman or a single officer. I have respected the policemen and I do to-day, and I have respected the officers of the police; the paper that I sent to Major Crozier is a proof of it: "We respect you Major." There are papers, which the Crown has in its hands and which show that demoralisation exists among the Police, if you will allow me to say it in the Court as I have said it in writing.

Your Honors, Gentlemen of the Jury: If I was a man of to-day perhaps it would be presumptuous to speak in that way, but the truth is good to say, and it is said in a proper manner, and it is not without presumption, it is not because I have been libelled for 15 years that I do not believe myself something. I know that through the grace of God I am the founder of Manitoba; I know that though I have no open road for my influence, I have big influence concentrated, as a big amount of vapour in an engine. I believe by what I suffered for 15 years, by what I have done for Manitoba and the people of the North-West that my words are worth something, if I give offence I do not speak to insult. Yes, you are the pioneers of civilization, the Whites are the pioneers of civilization, but they bring among the Indians demoralization. Do not be offended; ladies, do not be offended. Here are the men that can cure that evil, and if at times I have been strong against my true friends and Fathers, the Reverend Priests of the Saskatchewan, it is because my convictions are strong. There have been witnesses to show that immediately after great patience, I could come back to the respect I have for them.

One of the witnesses here, George Ness, I think, said that I spoke of Archbishop Taché and told him that he was a thief. If I had had the opportunity I proposed I would have questioned him as to what I said so that you would understand me. I have known Archbishop Taché as a great benefactor, I have seen him surrounded by his great property, the property of a widow whose road was passing near, he bought the land around and took that way to try and get her property at a cheap price. I read in the Gospel: "Ye Pharisees with your long prayers devour the widows." And as Archbishop Taché is my great benefactor, as he is my father I would say because he has done me an immense deal of good, and because there was no one who had the courage to tell him, I did, because I love him, because I acknowledge all he has done for me. As to Bishop Grandin, it was on the same grounds. I have other instances of Bishop Taché, and the witness could have said as the Revd Father Moulin: "When you speak of such persons

as Archbishop Taché you ought to say he made a mistake not that he committed robbery." I say that we have been patient a long time and when we see that mild words only serve as covers for great ones to do wrong, it is time when we are justified in saying that robbery is robbery everywhere and the guilty ones are bound by the force of public opinion to take notice of it. The one who has the courage to speak out in that way, instead of being an outrageous man becomes in fact a benefactor to those men themselves and to society.

When we got to the church of St Antoine on the 18th, there was a witness who said, I think George Ness, that I said to Father Moulin "You are a Protestant. According to my theory I was not going to speak in that way, but I said that we were protesting against the Canadian Government and that he was protesting against us, and that we were two protestants in our different ways."

As to religion what is my belief? What is my insanity about that? My insanity, Your Honors, Gentlemen of the Jury, is that I wish to leave Rome aside inasmuch as it is the cause of division between the Catholics and Protestants. I did not wish to force my views because, in Batoche, to the Half-breeds that followed me I used the word *Carte blanche*. If I have any influence in the New World it is to help in that way and even if it takes two hundred years to become practical, then after my death that will bring out practical results, and then my children will shake hands with the Protestants of the New World in a friendly manner. I do not wish those evils which exist in Europe to be continued as much as I can influence it, among the Half-breeds. I do not wish that to be repeated in America, that work is not the work of some days or some years it is the work of hundreds of years.

My condition is helpless, so helpless that my good lawyers and they have done it with conviction (Mr. Fitzpatrick in his beautiful speech has proved he believed I was insane), my condition seems to be so helpless that they have recourse to try and prove insanity to try and save me that way? If I am insane, of course I don't know it, it is a property of insanity to be unable to know it. But what is the kind of mission that I have? Practical results. It is said that I had myself acknowledged as a prophet by the Half-breeds. The Half-breeds have some intelligence. Capt. Young who has been so polite and gentle during the time I was under his care, said that what was done at Batoche from a military point of view was nice, that the line of defence was nice, that showed some intelligence. It is not to be supposed that the Half-breeds acknowledge me as a prophet if they had not seen that I could see something into the future. If I am blessed without measure I can see something into the future, we all see into the future more or less. As what kind of a prophet would I come? Would it be a prophet who could all the time have a stick in his hand and threatening, a prophet of evil? If the Half-breeds have acknowledged me as a prophet, if on the other side priests come and say that I am polite, if there are general officers, good men, come into this box and prove that I am polite, prove that I am decent in my manners, in combining all together you have a decent prophet. An insane man cannot withhold his insanity, if I am insane my heart will tell what is in me. Last night while I was taking exercise the spirit who guides and assists me and consoles me told me that to-morrow somebody will come "l'aider," and help me. I am consoled by that. While I was recurring to my God, to Our God, I said: But woe to me if you not help me, and those words came to me in the morning: "In the morning some one will come l'aider, that is to-day." I said that to my two guards and you can go for the two guards. I told them that if the spirit that directs me is the spirit of truth it is to-day that I expect help. This morning the good doctor who has care of me came to me and said: "You will speak to-day before the Court." I thought I would not be allowed to speak, those words were given to me to tell me that I would have the liberty to speak. There was one French word in it, it meant, I believe, that there was to be some French influence in it, but the most part English. It is true that my good lawyers from the province of Quebec have given me good advice.

Mr. Nolin came into the box and said that Mr. Riel said that he heard a noise in his bowels and that I told him that it meant something. I wish that he had said what I said, what I wrote on the paper of which he speaks, perhaps he can yet be put in the box.

I said to Nolin "Do you hear?" Yes, I said there will be trouble in the North-West and was it so or not, has there been no trouble in the North-West? Besides Nolin knows that among his nationality which is mine, he knows that the Half-breeds as hunters can foretell many things, perhaps some of you have a special knowledge of it. I have seen Half-breeds who say: "my hand is shaking, this part of my hand is shaking, you will see such a thing to-day," and it happens. Others will say "I feel the flesh of my leg move in such a way, it is a sign of such a thing," and it happens. They are men who know that I speak right. If the witness spoke of that fact with which he mentioned to show that I was insane he did not remember that perhaps on that point he is insane himself, because the Half-breed by the movement of his hand, sometimes of his shoulders, sometimes his leg, can have certain knowledge of what will happen. To bring Sir John to my feet, if it was well reported it would appear far more reasonable than it has been made to appear. Mr. Blake, the leader of the opposition, is trying to bring Sir John to his feet in one way. He never had as much at stake as I had, although the province of Ontario is great it is not as great as the North-West.

I am glad that the Crown have proved that I am the leader of the Half-breeds in the North-West. I will perhaps be one day acknowledged as more than a leader of the Half-breeds, and if I am I will have an opportunity of being acknowledged as a leader of good in this great country.

One of the witnesses said that I intended to give Upper Canada to the Irish, if he had no mystery he would have seen that Upper Canada could not be given to the Irish without being given to England, he rested only upon his imagination.

There is another thing about the partition of the lands into seven. I do not know if I am prepared to speak of it here, because it would become public information, there is so much at stake that if I explained that theory Canada would not very long remain quiet.

Capt Deane has seen my papers, I have sent them somewhere but he has seen them, and after seeing them he came there and said that I was an intelligent man and pretty shrewd. I have written these documents and they are in the hands of those whom I trust. I do not want to make them public during my trial what I have not made public during 60 days we were in arms at Batoche, there have been there different times when the Council decided to send men to the States to notify the nationalities to come to our assistance, but three delegations waited for my orders and have not started. Why? Because I had an object. The Half-breeds also know that I told them that I would be punished, that I did not say it of my own responsibility but that I said it in the same way as I had told them other things. It was said to me that the nation would be punished. Why? Because she had consented to leave Rome too quick. What is the meaning of that? There was a discussion about it too quick. They said that they should do it at once. Too quick does not mean too soon. If we say yes, it shows no consideration to the man. If God wants something and if we say yes, that is not the way to answer Him, he wants the conscience to say yes: Oh my God, I do thy will; and because the Half-breeds quickly separated from Rome in such a quick manner it was disagreeable to God and they were punished and I told them it would happen, fifty of those who are there can prove it. But you will say: "You did not put yourself as a prophet". The nineteenth century is to be treated in certain ways and it is probably for that reason I have found the word "Exovede". I prefer to be called one of the flock. I am no more than you are, I am simply one of the flock, equal to the rest. If it is any satisfaction to the doctor to know what kind of insanity I have, if they are going to call my pretensions insanity, I say, humbly, through the grace of God I believe I am the prophet of the New World.

I wish you to believe that I am not trying to play insanity, there is in the manner, in the standing of a man, the proof that he is sincere, not playing. You will say, what have you got to say? I have to attend to practical results. Is it practical that you be acknowledged as a prophet? Is it practical to say it. I think if the Half-breeds have acknowledged me, as a community, to be a prophet, I have reason to believe that it is beginning to become practical. I do not wish for my satisfaction the name of prophet. Generally that title is accompanied which such a burden, that if there is satisfaction for

your vanity there is a check to it. To set myself up as Pope! No, no! I said I believed that Bishop Bourget had succeeded the Pope in spirit and in truth. Why? Because while Rome did not pay attention to us, he as a bishop paid attention to us.

You have given me your attention, Your Honors, you have given me your attention Gentlemen of the Jury, and this great audience, I see if I go any further on that point I will lose the favour you have granted me up to this time, and as I am aiming all the time at practical results, I will stop here, master of myself, through the help of God. I have only a few more words to say, your Honors, Gentlemen of the Jury, my reputation, my liberty, my life are at your discretion, so confident I am that I have not the slightest anxiety, not even the slightest doubt as to your verdict. The calmness of my mind concerning the favourable decision which I expect does not come from any unjustifiable presumption upon my part. I simply trust that through God's help you will balance every thing in a conscientious manner and that after having heard what I had to say, that you will acquit me. I do respect you although you are only half a jury, but your number of six does not prevent you from being just and conscientious, your number of six does not prevent me giving you my confidence which I would grant to another six also.

Your Honor, because you appointed those men do not believe that I disrespect you, it is not by your own choice, you were authorized by those above you, by the authorities in the North-West, you have acted according to your duty, and while it is in our view, against the guarantees of liberty, I trust the Providence of God will bring out good of what you have done conscientiously.

Although this court has been in existence for the last 15 years, I thought I had a right to be tried in another court. I do not disrespect this court, I do respect it, and what is called by my learned and good lawyers the incompetency of the court, must not be called in disrespect, because I have all respect.

The only things I would like to call your attention to, before you retire to deliberate, are: 1st. That the House of Commons, Senate, and ministers of the Dominion who make laws for this land and govern it are no representation whatever of the people of the North-West.

2ndly. That the North-West Council generated by the federal Government has the great defect of its parent.

3rdly. The number of members elected for the Council by the people make it only a sham representative legislature and no representative Government at all.

British civilisation, which rules to day the world, and the British constitution has defined such Government as this is which rules the North West Territory as irresponsible Government, which plainly means that there is no responsibility, and by the science which has been shown here yesterday you are compelled to admit it, there is no responsibility, it is insane.

Good sense combined with scientific theories lead to the same conclusion.

By the testimony laid before you during my trial, witnesses on both sides made it certain that petition after petition has been sent to the Federal Government, and so irresponsible is that Government to the North-West, that in the course of several years beside doing nothing to satisfy the people of this great land, it has even hardly been able to answer once or to give a single response. That fact would indicate absolute lack of responsibility and therefore insanity complicated with paralysis.

The ministers of an insane and irresponsible Government and its little one the North-West Council made up their mind to answer my petitions by surrounding me slyly and by attempting to jump upon me suddenly and upon my people in the Saskatchewan. Happily when they appeared and showed their teeth to devour, I was ready; that is what is called my crime of high treason and for which they hold me to day. Oh, my good Jurors, in the name of Jesus Christ the only one who can save and help me, they have tried to tear me to pieces.

If you take the plea of the defence, that I am not responsible for my acts, acquit me completely, since I have been quarrelling with an insane and irresponsible Government. You pronounce in favour of the Crown, which contends that I am responsible, acquit

me all the same. You are perfectly justified in declaring that having my reason and sound mind I have acted reasonably and in self-defence, while the Government, my accuser, being irresponsible and consequently insane, cannot but have acted wrong, and if high treason there is, it must be on its side and not on my part.

HIS HONOR.—Are you done?

PRISONER.—Not yet, if you have the kindness to permit your attention for a while.

HIS HONOR.—Well, proceed.

PRISONER.—For fifteen years I have been neglecting myself, even one of the most hard witnesses on me said that with all my vanity I never was particular as to my clothing; yes, because I never had much to buy any clothing. The reverend Father André has often had the kindness to feed my family with a sack of flour and Father Fourmond; my wife and children are without means, while I am working more than any representative in the North-West although I am simply a guest of this country, a guest of the Half-breeds of the Saskatchewan. Although as a simple guest I work to better the condition of the people of the Saskatchewan, at the risk of my life, to better condition of the people of the North-West, I have never had any pay. It has always been my hope to have a fair living one day. It will be for you to pronounce. If you say I was right, you can conscientiously acquit me, as I hope through the help of God, you will. You will console those who have been fifteen years around me, only partaking in my sufferings: what you will do in justice to me, in justice to my family, in justice to my friends, in justice to the North-West, will be rendered a hundred times to you in this world, and to use a sacred expression, life everlasting in the other.

I thank your Honors for the favour you have granted me in speaking, I thank you for the attention you have given me, Gentlemen of the Jury, and I thank those who have had the kindness to encourage my imperfect way of speaking the English language by their good attention. I put my speech under the protection of my God, my Saviour, he is the only one who can make it effective, it is possible it should become effective as it is proposed to good men, to good people, and to good ladies also.

Mr. Robinson for the prosecution addresses the jury and after him the presiding Judge delivers his charge.

On the jury returning, after having retired to consider their verdict, the clerk of the Court asked: Gentlemen, are you agreed upon your verdict? How say you? Is the prisoner guilty or not guilty?

The jury find the prisoner guilty.

CLERK.—Gentlemen of the Jury, hearken to your verdict, as the Court records it: You find the prisoner, Louis Riel, guilty, so say you all.

The Jury answered: Guilty.

A JUROR.—Your Honor, I have been asked by my brother-jurors to recommend the prisoner to the mercy of the Crown.

MR. JUSTICE RICHARDSON.—I may say in answer to you that the recommendation which you have given will be forwarded in proper manner to the proper authorities.

MR. ROBINSON.—Do Your Honors propose to pass sentence now. I believe the proper course is to ask the sentence of the Court upon the prisoner.

MR. JUSTICE RICHARDSON.—Louis Riel, have you anything to say why the sentence of the Court should not be pronounced upon you, for the offence of which you have been found guilty.

PRISONER.—Yes, Your Honor.

MR. FITZPATRICK.—Before the accused answers or makes any remarks as suggested

by Your Honor, I would beg leave simply to ask Your Honor to kindly note the objection which I have already taken to the jurisdiction of the Court.

MR. JUSTICE RICHARDSON.—It is noted, Mr. Fitzpatrick. You understand of course why I cannot rule upon it.

M. FITZPATRICK.—It is simply so as to reserve any recourse the law may allow hereafter.

PRISONER.—Can I speak now?

MR. JUSTICE RICHARDSON.—Oh yes.

PRISONER.—Your Honor, Gentlemen of the Jury . . .

MR. JUSTICE RICHARDSON.—There is no jury now, they are discharged.

PRISONER.—Well, they have passed away before me.

MR. JUSTICE RICHARDSON.—Yes, they have passed away.

PRISONER.—But at the same time, I consider them yet still there, still in their seats. The Court has done the work for me, and although at first appearance it seems to be against me, I am so confident in the idea which I have had the honor to express yesterday, that I think it is for good and not for my loss. Up to this moment, I have been considered by a certain party as insane, by another party as a criminal, by another party as a man with whom it was doubtful whether to have any intercourse. So there was hostility and there was contempt, and there was avoidance. To-day, by the verdict of the Court, one of these three situations has disappeared.

I suppose that after having been condemned, I will cease to be called a fool, and for me it is a great advantage. I consider it as a great advantage. If I have a mission, I say "If" for the sake of those who doubt, but for my part it means "Since," since I have a mission, I cannot fulfil my mission as long as I am looked upon as an insane being—human being, at the moment that I begin to ascend that scale, I begin to succeed.

You have asked me, Your Honor, if I had anything to say why my sentence should not be passed. Yes, it is on that point particularly my attention is directed. Before saying anything about it, I wish to take notice that if there has ever been any contradiction in my life, it is at this moment, and do I appear excited? Am I very irritable? Can I control myself? And it is just on religion and on politics, and I am contradicted at this moment on politics, and the smile that comes to my face is not an act of my will, so much it comes naturally, from the satisfaction that I prove that I experience seeing one of my difficulties disappearing. Should I be executed, at least if I were going to be executed, I would not be executed as an insane man, it would be a great consolation for my mother, for my wife, for my children, for my brothers, for my relatives, even for my protectors, for my countrymen. I thank the gentlemen who were composing the Jury for having recommended me to the clemency of the Court. When I express the great hope that I have just expressed to you, I don't express it without ground, my hopes are reasonable, and since they are recommended, since the recommendation of the Jury to the Crown is for clemency. It would be easy for me, your Honors, to make an incendiary protest, and take the three reasons which have been reasonably put forward by my good lawyers, and learned lawyers, about the Jury, about their selection, about the one who selected them, and about the competency of the Court, but why should I do it, since the Court has undertaken to prove that I am a reasonable man? Must not I take advantage of the situation to show that they are right and that I am reasonable, and yesterday, when I said by repeating the evidence which has been given against me, when I said in conclusion that you had a decent prophet, I have just to-day the great opportunity of proving it is so, besides clearing me of the stain of insanity, clearing my career of the stain of insanity. I think the verdict that has been given against me is a proof that I am more than ordinary myself, but that the circumstances and the help that is given is more than ordinary, are more than ordinary, and although I consider myself only as others, yet by the will of God, by his Providence, by the circumstances which have

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surrounded me for fifteen years, I think that I have been called to do something which at least in the North-West nobody has done yet, and in some way I think that to a certain number of people the verdict against me to day is a proof that may be I am a prophet, may be Riel is a prophet. He suffers for it. Now, I have been hunted as an elk for fifteen years. David has been seventeen, I think. I would have to be about two years still; if the misfortunes that I have had to go through were to be as long as those of the old David, I would have two years still, but I hope it will come sooner.

I have two reasons why I would ask that sentence should not be passed upon me, against me. You will excuse me, you know my difficulty in speaking English, and I have had no time to prepare, Your Honor. . . . Even had I prepared anything it would have been imperfect enough, and I have not prepared, and I wish you would excuse what I have to say, the way which I will be able, perhaps, to express it.

Q. The troubles of the Saskatchewan are not to be taken as an isolated fact. They are the result of fifteen years war. The head of that difficulty lies in the difficulty of Red River. The troubles of the Red River were called the troubles of the North-West, and I would like to know if the troubles of the Saskatchewan have not the name to-day of being the troubles of the North-West? So the troubles of 1869, being the troubles of the North-West and the troubles of 1885 being still the troubles of the North-West, the suggestion comes naturally to the mind of the observer if it is a continuation of the troubles of the North-West, if the troubles of 1885 are a continuation of the troubles of 1869. Or if they are two troubles entirely different, I say they are not. Canada, no, I ought not to say Canada, because it was a certain number of individuals, perhaps seven or eight hundred that can have passed for Canada, but they came to Red River, and they wanted to take possession of the country without consulting the people. True it was the Half-breed people. There were a certain number of white pioneers among the population, but the great majority were Half-breeds.

We took up arms against the invaders from the East without knowing them. They were so far apart from us, on the other side of the Lakes, that it cannot be said that we had any hatred against them. We did not know them. They came without notification. They came boldly. We said: Who are they? They said: We are the possessors of the country. Well, knowing that it was not true, we done against those parties coming from the East what we used to do against the Indians from the South and from the West, when they would invade us. Public opinion in the States helped us a great deal. . . . I don't mean to say that it is needed to obtain justice on this side of the line that the States should interfere, but at that time, as there was no telegraph communication between the Eastern Provinces and the North-West, no railroad, and as the natural way of going to Canada was through the United States, naturally all the rumors, all the news had to pass by the States, and on their passage they had to meet the remarks and observations of the American people. The American people were favorable to us; besides, the Opposition in Canada done the same thing and said to the Governor: Well, why did you go into the North-West without consulting the people? We took up arms, as I stated, and we made hundreds of prisoners, and we negotiated. A treaty was made. That treaty was made by a delegation of both parties. Whether you consider the organization of the Red River people at that time as a Provisional Government or not, the fact is that we were recognized as a body, tribal, if you like to call it so, as a social body, with whom the Canadian Government treated. Did they treat with them as they treat with Indians? It will be for them to say that they did not. Since Sir John A. Macdonald and the late Sir George Cartier were delegated by the Dominion Government to meet our delegates, delegates who had been appointed by me, the President, (that is the name that was given to me by the Council,) the President of that Council, and our delegates had been invited three times, first by Donald A. Smith, a member of the Privy Council at that time; second, by the Reverend Mr. Thibault, the late Reverend Mr. Thibault; third, by Archbishop Taché, who had been called from Rome for the purpose of pacifying the North-West. When those three delegates had invited us to send delegates we thought that it was safe to send delegates, and I appointed the Reverend Father Ritchot, now curate of Saint Norbert, in Manitoba; I appointed the late Judge Black, who died in

Scotland; I appointed Alfred H. Scott, he is dead also, and these three delegates started, with our bill of rights of twenty conditions, to go and put it before the Canadian Government, and when our delegates came to Ottawa the Government wanted to treat them as Indians, I suppose.

Father Ritchot said: if you don't give me in writing my acknowledgement as a delegate, I will go back and you will go with your bayonets to the North-West—acknowledge my status—I am invited, I come and what was the answer? Our delegates had been invited three times. How were they received in Canada? They were arrested. To show exactly what is the right of nations, they were arrested. They had not a formal trial, but the fact remains that they were arrested, and the protest of Rev. Father Ritchot is still in the document. However, there was a treaty: Sir John A. Macdonald was delegated, the late Sir George Cartier was delegated to treat with the people, with those three delegates, now how were they acknowledged? Were they acknowledged as delegates of Riel? Oh! no, they were acknowledged as the delegates of the North-West. The late Mr. Howe, in his acknowledgement of the delegates, and in notifying them who had been delegated by the Canadian Government to treat with them, told them that they were acknowledged as the delegates of the North-West. Then it was the cause of the North-West that they represented. It is acknowledged by the Canadian Government by that very same fact that fifteen years ago, the treaty of which I am speaking was the treaty of the North-West—of the delegates of the North-West, and if by trying to say that it was the delegates of the North-West they wanted to avoid the fact that I was no being at all, the whole world knows that it is not so, they cannot avoid me, and Sir John A. Macdonald himself, in the report of the committee of inquiry about those very same troubles, the committee which sat in 1874, Sir John A. Macdonald said: "I think we acknowledge Riel in his status of a Governor." What was that treaty? Was it an Indian affair? If it had been an Indian affair, Manitoba would not have been as it is, would not be as it is. We had the Manitoba Act, there was an agreement between the two delegates how the whole North-West interest would be considered, and how the Canadian Government would treat with the North-West, and then having settled all the matter of principle, those very principles, the agreement was made those very principles would be inaugurated in Manitoba first. There was a Province erected with responsible Government. The lands they were kept by the Dominion. As the Half-breed people were the majority of Manitoba, as at their stage of civilization they were not supposed to be able to administer their lands, we thought that, at that time, it was a reasonable concession to let them go, not because we were willing to let them go, but because it seemed impracticable to have the administration of the lands. Still one of the conditions was that the people of the North-West wanted the administration of their lands. The Half-breeds had a million and the land grant of 1,400,000 acres owned about 9,000,000, if I mistake not, which is about 1-7 of the land of Manitoba. You will see the origine of my insanity and of my foreign policy. 1-7 of the land was granted to the people, to the Half-breeds of Manitoba, English and French, Protestant and Catholic. There was no distinction whatever, but in the subdivision, in the allotment of those lands between the Half-breeds of Manitoba, it came that they had 240 acres of land. Now the Canadian Government say, that we will give to the Half-breeds of the North-West, 240 acres. If I was insane I would say yes, but as I have had, thank God, all the time, the conscienciousness that I had a certain degree of reason, I have made up my mind to make use of it and to say that 1-7 of the lands in Manitoba, as the inauguration of a principle in the North-West, had to bring to the Half-breeds of the North-West, at least as soon as possible, the guarantee for the future that a seventh of the lands will also be given to them. And seeing and yourself understanding how it is difficult for a small population as the Half-breed population to have their voice heard, I said what belongs to us ought to be ours. Our right to the North-West is acknowledged, our co-proprietorship with the Indians is acknowledged, since one-seventh of the lands is given us, but we have not the means to be heard, what will we do? I said to some of my friends: If there is no other way, we will make the people who have no country understand that we have a country here which we have ceded on condition, we want the seventh of the

land, and if the bargain is not kept, it is null and void, and we have no right to retreat again, and if we cannot have our seventh of the lands from Canada, we will ask the people of the States, the Italians to come and help us as immigrants, the Irish, I will count them.

Now, it is my turn I thank you. I count them and I will show you if I made an insane enumeration of the parties. I say, we will invite the Italians of the States, the Irish of the States, the Bavarians of the States, Poles of the States, Belgians of the States and if they come and help us here to have the 7th, we will give them each a 7th and to show that we are not fanatics, that we are not partisans, that we do not wish only for the Catholics, but that we have a consideration for those who are not Catholics, I said, we will invite the Danes. We will invite the Swedes who are numerous in the States, and the Norwegians to come around, and as there are Indians and Half-breeds in British Columbia and as British Columbia is a part of the immense North-West, we said not only for ourselves but speaking of our children we will make the proposition that if they help us to have our 7th on the two sides of the Rocky Mountains they will each have a seventh, and if the Jews will help us, and on the condition that they acknowledge Jesus-Christ as the Son of God and the only Saviour of human kind, if they help us with their money, we will give them one seventh, and I said also, if the principle of giving one seventh of the lands is good in the North-West, if the principle of giving one seventh of the lands to the Half-breeds in the North West is good, it ought to be good in the East also, and I said if it is not possible that our views should be heard, we will, I, as an American citizen, I will invite the Germans of the States and I will say if you ever have an opportunity of crossing the line in the East do it and help the Indians and the Half-breeds of the East to have a revenue equivalent to about one seventh. And what would be the reward of the Germans. The reward of the Germans would be if they were successful to take a part of the country, and make a new German Indian world somewhere in British North America. But that is the last resort, and if I had not had a verdict of guilt against me I would have never said it. Yesterday it was just those things that I have avoided to say when I said I have a reason not to mention them, and when I said as one of the witnesses said that my proclamation was in Pembina, I think I am right because of this trial; you see that my pretensions is that I can speak a little of the future events, my trial has brought out the question of the seventh and although no one has explained the things as I do now still there is enough said about the sevenths of the lands and the division of the lands into sevenths; seven nationalities, while it ought to have been said between ten nationalities, that by telegraph to-day my proclamation is in Pembina truly and the States have my ideas. They have my ideas. The Fenian element, gentlemen, without any tangible object have crossed the lines several times for the only sake of what many have called revenge, but now that Riel whose name is some what prominent for fifteen years is known to be in his troubles for life and death for himself and his nationality, now that my trial gives me a certain increase of celebrity, now that those questions are appearing before the public now that there is a land league in the States, that the very same element which possesses Fenianism is still there and quiet because they have no plan, because they have no idea around which to gather their numbers and when they catch at it do you think that they will smile? And Gabriel Dumont on the other side of the line, is that Gabriel Dumont inactive? I believe not. He is trying to save me from this box. This is no threat. I have written it. I have written a document of that kind and put in in the hands of Captain Dean, three weeks ago. This is not an inspiration of the moment. I have the right to thank God for the prevision of what happens to day but there is another means. I don't wish that means, these means. I don't wish them to call the people from the States on this side of the line. No, I wish it only if there is no other possibility. If there is no other resort, of-course that is my wish. The last remedy although it may be extreme is always a remedy and is always worth something to try it, but if there is justice as I still hope. Oh! here it seems to me I have become insane to hope still. I have seen so many men in my position and where are they? But Lepine has had a scaffold also in Manitoba, and he was not executed. Why? Because he was recommended to the clemency of the court. The idea of the 7th! I have two hands, and I have two sides on my head, and I have two

countries. I am an American citizen and I have two countries, and I am taken here as a British subject. I don't abandon my idea of the 7th. I say because the other is an extreme and an extremity I don't wish for it till extremities have come and I have come to extremities just now, but there are some hopes yet. For me, my heart is full of hope but my friends, I suppose that many of them think that I am gone.

If Canada is just with me, if Canada respects my life, my liberty and my reputation, they will give me all what they have taken from me, and as I said yesterday, that immense influence which my acts are gathering for the last fifteen years and which as the power of steam contained in an engine will have its way, then what will I do? It will do that perhaps Riel will go to the Dominion Ministry, and there instead of calling the parties from the States, he will by means, constitutional means of the country, invite the same parties from Europe as emigration. But let it be well understood that as my right has been acknowledged as the co-proprietor of the soil with the Indians, I want to assert that right. It is constitutionally acknowledged in the Manitoba Act by the 31st clause of that Act and it does not say to extinguish the Indian title, it says two words, extinguishing and 1,400,000 acres of land. Two words. And as each child of the half-breeds gets 1-7th, naturally I am at least entitled to the same. It is why I spoke of the 7th. For the Indians, not of the lands but of the revenue as it increases. But somebody will say on what ground will you ask 1-7th, of the lands? Do you own the lands? In England, in France, the French and the English have land, the first who were in England, they were the owners of the soil and they transmitted to generations. Now by the soil they have had their start as a nation. Who starts the nations? The very same one who creates them, God. God is the master of the universe, our planet is his land, and the nations, the tribes, are members of his family, and as a good Father he gives a portion of his lands to that nation, to that tribe, to everyone, that is his heritage, that is his share of the inheritance, of the people, or nation, or tribe. Now here is a nation, strong as it may be, it has had his inheritance from God, when they have crowded their country because they have no room to stay at home, it does not give them the right to come and take the share of the small tribe besides them, when they come they ought to say. Well my little sister, the Cree tribe, you have a great territory, but that territory has been given to you as our own land has been given to our fathers in England, or in France, and of course you cannot exist without having that spot of land. This is the principle. God cannot create a tribe without locating it, we are not birds, we have to walk on the ground, and that ground is enriched with many things which besides its own value increases its value in another manner, and when we cultivate it, we still increase that value. Well, on what principle can it be that the Canadian Government have given the 7th to the Half-breeds in Manitoba? I say it must be on this ground, civilization has the means of improving life that Indians or Half-breeds have not, so that when they come in our savage country, in our uncultivated land, they come and help us with their civilization but we help them with our lands, so the question comes, your land, you Cree or you Half-breed, your land is worth to day 1-7th, of what it will be when civilization will have opened it. Your country unopened is worth to you only 1-7th of what it will be when opened.

I think it is a fair share to acknowledge the genius of civilization to such an extent as to give when I have seven pairs of socks, six to keep one. They made the treaty with us. As they made the treaty, I say they had to observe it and did they observe the treaty? No, there was a question of amnesty and when the treaty was made, one of the questions was that before the Canadian government would send a Governor into Manitoba an imperial amnesty should be proclaimed so as to blot out all the difficulties of the past. Instead of proclaiming a general amnesty before the arrival of the Governor, which took place the end of September 1870, the amnesty was proclaimed the 25th April '75. So I suffered for five years unprotected. Besides I was expelled from the House twice, I was, they say, outlawed, but as I was busy as a member in the East and that the trial was the West I could not be in two places and they say that I was outlawed, but no notification was sent to my house even of any proceedings of the court. They say that I was outlawed and when the amnesty came five years after the time it should have come, I was banished for five years and Lepine deprived of his political rights for ever. Why? Because he had given political rights

to Manitoba. Is that all? No. Did the amnesty come the Imperial Government? Not at all. It came from our sister colony in the East, and mind you to make a miracle of it, I say the one being great and Riel being small, I will go on the other side, and I am banished. It is a wonder, I did not take and go to Mexico. Naturally I went to the States. Amnesty was given by the Secretary of State at Ottawa, the party who treated with us. That is no amnesty. It is an insult to me, it has always been an insult to me. I said in Manitoba two years ago it was an insult and I considered it as such. But are there proofs that an imperial amnesty has been promised? Yes many, Archbishop Taché, the delegate who had been called, the prelate who has been called from Rome, to come and pacify the North-West received a commission to make, to accomplish that pacification and in general terms was written his commission, and when he came to the North-West before I send delegates he said: I will give you my word of honor as a delegate, that there will be an Imperial amnesty, not because I can promise it on my own responsibility but because it has been guaranteed to me by the representatives of the Crown, and the Ministers themselves, the Ministers of the Crown. Instead of an imperial amnesty came the amnesty of which I spoke, and, besides, an amnesty which came five years too late, and which took the trouble of banishing me for five years more.

MR. JUSTICE RICHARDSON. Is that all?

PRISONER. No. Excuse me if I feel weak and if I stop, at times, I wish you would be kind enough to,—But the last clause of the Manitoba Act speaks also a little of the North-West, speaks that a temporary Government will be put into the North-West until a certain time, not more than five years. And, gentlemen, the temporary Government, how long has it lasted now? How long has it existed now? For fifteen years, and it will be temporary yet. It is against the Manitoba Act, it is against the treaty of the North-West, that this North-West Council should continue to be in existence and against the spirit of the understanding. Have I anything to say against the gentlemen who compose the North-West Council? Not at all, not more than I had to say yesterday against the jury and to say against the officials of this Court whom I respect all, but I speak of the institutions. No, I speak of the institutions of the North-West, the Manitoba treaty has not been fulfilled, neither in regard to me, neither in regard to Lépine. Besides the population of the Half-breeds who were in the troubles of the North West, in Manitoba, in 1870, and who have been found in the troubles of the North West, what right had they to be there, have they not received their two hundred and forty acres. I suppose the Half-breeds in Manitoba, in 1870, did not fight for two hundred and forty acres of land, but it is to be understood that there were two societies who treated together. One was small, but in its smallness it had its rights. The other was great, but in its greatness it had no greater rights than the rights of the small, because the right is the same for every one, and when they began by treating the leaders of that small community as bandits, as outlaws, leaving them without protection, they disorganized that community. The right of nations wanted that the treaty of Manitoba should be fulfilled towards the little community of Red River, in the same condition that they were when they treated, that is the right of nations, and when the treaty would have been fulfilled towards the small community in the same state as it was when she treated, when the obligations would have been fulfilled, and the Half-breeds might have gone to the North West, the Saskatchewan and have no right to call for any other things for themselves, although they had the right to help their neighbors, if they thought that they were in a bad fix, because charity is always charity. Now I say that the people of Manitoba have not been satisfied, nor the leaders nor the people, because during those five years which elapsed between 1870 and 1875, there were laws made, and those laws they embraced the people, the Half-breed people, and because they had not their rights, because the leaders were always threatened in their existence. The people themselves did not feel any security, and they sold their lands, because they thought they would never get, first, that 7th of lands, they sold their lands because they saw that they had no protection, and they went East. What have they received in receiving the 240 acres? They have received 240 acres of land and as matter of fact I can prove that by circumstances.

many, one half of them, sold for one half of the price \$50 or \$40, \$60 or \$25. And to show the state in which they have been kept, those who come from the Red River and the Half breeds of Red River, who were in the Red River trouble of 1870, appeared to be a wonder, of egotism and of unreasonableness, because they appeared to be in the troubles of 1885, which are the continuation of the troubles of Red River.

The amnesty has not been given by the right parties. Amnesty has not been given to Lépine, one of the leaders who was then as Dumont is to day and myself. I was allowed to come back into the country when ten years after I would be completely deprived of the chances which I had in 1870 to do something for my people and for myself and for emigration, so as to cut down my influence forever. It is why I did not come at that time, and I thought that I would never come to the country. Did I take my American papers? put my papers of American naturalization during the time of my five years banishment? No, I did not want to give to the States a citizen of banishment, but when my banishment had expired when an officer at Battleford somewhere on this side of the line in Benton invited me to come to the North-West, I said: No, I will go to an American Court will declare my intention now that I am free, to go back and choose another land, it sorely hurt my heart to say that kind of adieu to my mother, to my brothers, to my sisters, to my friends, to my countrymen to my native land, but I felt that coming back to this country, I could not re-enter it without protesting against all the injustice which I had been suffering and in so doing it was renewing a struggle which I had not been able to continue, and as sound man as I thought I was I thought it better to begin a career on the other side of the line. In Manitoba is that all about the amnesty? No. My share of the 1,400,000 acres of land have I received it? No, I have not received it. My friends, my mother have applied to have it, No. Could not every one else apply for theirs? Father, mother would apply for their sons, and that was all right, but for my mother to apply for me, it was not. I did not get it. Last year, there was a proof here in the box not long ago, that when I asked an indemnity I was refused. Was that indemnity based on a fancy? I wanted my lands in Manitoba to be paid. Besides when they treated, the treaty was completed on 31st May 1870, it was agreed to on the 24th June and Sir Geo. Cartier had said: "Let Riel govern the country until the troops get there." And from the 24th June to the 23rd August I governed the country in fact. And what was the reward for it? When the glorious general Wolseley came, he rewarded me in saying Riel's banditti has taken flight, and he wanted to come during the night at midnight so as to have a chance to raise a row in Fort Garry and to have the glory to call for in the morning, but heaven was against him then. It rained so much that he could not get there during the night and he had to come at ten o'clock next morning, he entered one door of Ft. Garry while I left the other, I kept in sight of him, I was small I did not want to be in his road, but as I know that he had good eyes I say I will keep at a distance where I can be seen, and if he wants to have me he will come, a General knows where his enemy is, ought to know and I kept about 300 yards ahead of him. While he was saying that Riel's banditti had taken flight, Riel was very near. That has been my reward. When I speak of an indemnity of \$35,000 to call for something to complete the \$100,000, I don't believe that I am exaggerating your Honor. In 1871 the Fenians came in Pembina. Major Irvine, one of the witnesses, I was introduced to him. And when I brought to the Government 250 men, Governor Archibald was there anxious to have my help because he knew that we were the door to Manitoba, and he said as the question of amnesty came, he said: "If Riel comes forward, we will protect him, 'pour la circonstance actuelle,' we will protect him, as long as we need him, we will protect him, but as soon as we don't want him, as soon as we won't need him, we want him to fall back in the same position as he is to day." And that answer had been brought because it had been represented that while I would be helping the Government the parties would be trying to shoot me in the back: "Pour la circonstance actuelle", they said, "we will protect him". What reward have I had for that? The first reward that I had was that that took place in the first days of October 1871, before the year was ended. Of course they gave a chance to Riel to come out, a rebel had a chance to be loyal then. My friend, my glorious friend in Upper Canada, now the leader of the opposition, Mr. Blake said: "We must prevent Riel from arriving." When he was Minis-

ter in Upper Canada he issued a proclamation of \$5,000 for those who would arrest Riel. That was my reward, my dowry. But the Canadian Government what reward did they give me? In the next year there was going to be an election, 1872. If Riel remains in the country for the elections it will be trouble and he has a right to speak, we have made a treaty with him, we do not fulfil it, we promise him amnesty, he is outlawed, we take his country and he has no room even to sleep, he comes to our help he governs the country during two months, and the reward is that he is a banditti, he comes to the help of the Government with two hundred and fifty men, and the reward is five thousand dollars for his head. It is at that time that I took the name of David, and I did not take it of myself, the honorable Judge of the court of Manitoba, M. Dubuc to day, is the one who gave me the name of David. When I had to hide myself in the woods, and when he wanted to write me under the name which would not be known, so that my letters could come to me, and I may say that in that way it is a legal name. From that point of view even, and I put in a parenthesis. Why! I have a right, I think, as a souvenir of my friend in Upper Canada, who caused the circumstances, who brought me that name, to make something special about it, and, besides, when the king of Judea was speaking of the public services of David's, didn't he use to refer to him in that way. Yes he did and a something similar, I thought that it was only proper that I should take the name of "David", but it was suggested to me in a mighty manner, and I could not avoid it.

The Canadian Government said: "Well, Riel will be in the elections here and he will have all the right with all those grievances to speak, and he will embarrass the Government." So they called upon my great protector Archbishop Taché, and they said to Archbishop Taché I don't know what, but in the month of February '72, Archbishop Taché came to me, and said: "The authorities of Lower Canada want you to go on the other side of the line until the crisis is passed." "Well, I said, if the crisis was concerning me only, it would be my interest to go there, but I am in a crisis, which is the crisis of the people of the country, and as it concerns the public besides me I will speak to the public, as the public are speaking to me." But the Archbishop gave such good reasons that although I could not yield to these reasons, I came to a conclusion with him and I said: "My Lord, you have titles to my acknowledgement which shall never be blotted out of my heart, and although my judgment in this matter altogether differs with yours, I don't consider my judgment above yours, and what seems to me reasonable might be more reasonable; although I think my course of action reasonable, perhaps yours is more reasonable." I said: "If you command me as my Archbishop to go and take on your shoulders the responsibility of leaving my people in the crisis, I will go. But let it be known that it is not my word, that I do it to please you, and only after you command me to do it—to show that in politics when I am contradicted, I can give way."

And they offer me 10 pounds a month to stay on the other side of the line. I said to his Lordship: "I have a chance here in Manitoba and I want something." He asked me how much I wanted, and I said: "How long do you want me to stay away?" "Well, he said, perhaps a year." "I tell you beforehand that I want to be here during the elections." That is what I asserted: "I want to be here during the elections". And it was agreed that they would give 800 pounds: 400 pounds to Lépine and 400 pounds to me; 300 pounds to me personally, 300 pounds for Lépine; 100 pounds for my family, 100 pounds for Lépine's family, that makes 800 pounds. And how was it agreed that I should receive that money? I said to his Lordship: "The Canadian Government owe me money, they libel me; and even on the question of libel, they do it so clearly that it does not mean any trial to come to judgment; they have judgment and will they make use of it? They owe me something for my reputation that they abuse every day, besides I have done work and they have never paid me for it; I will take that money as an account of what they will have to pay me one day". It was agreed in that manner, and the money was given to me in the chapel of St. Vital in the presence of Mr. Dubuc, Judge now, and when—I did not know at that time where the money came from—and when the little sack of 300 pounds of gold was handed to me there on the table, I said to His Lordship: "My Lord, if the one who wants me to go away was here, and if I had to treat him as he is trying to treat me, this little sack of gold ought to go to his head." That was my last protest at that time. But

before the election public opinion was so excited against the one that had taken the responsibility of advising my leaving that he called me back, and during the election I was present. I was three more years. To-day I am rewarded for what I have done through these three years. Sir George Cartier, in 1872, just in that summer, was beaten in Montreal—I speak of him not as a man of party, I speak of him as a Canadian, as a public man—he was beaten by Mr. Jetté by 1200 majority, and they came to me. My election was sure in Provencher, I had 15 or 20 men against me and they came to me: "Riel, do you want to resign your seat?" "I have not it yet." "Oh, well, you are sure to get it, allow Sir George Etienne Cartier to be elected here". And I said, yes, to show that if I had at the time any inclination to become insane, when I was contradicted in politics. But Lower Canada has more than paid me for the little consideration, great was my consideration, but that little mark, I consider it a little mark of consideration, a little mark of a great consideration for them.

The people of Manitoba hadn't their government inaugurated at that time, they had a sham government, it was to be erected, to be inaugurated after 1871, after the 1st of January 1871, but we went on in 1874 and it was not inaugurated, as long as Riel was there, with his popularity. If the proper institutions had been inaugurated Riel would have come in the House, the Provincial House and of course it was considered to be a damage. So to keep me back they did not give the people their rights, when it was constitutionally agreed they should have done. I struggled not only for myself, but I struggled for the rights, for the inauguration of the principles of responsible and constitutional government in Manitoba. That was considered about the time that I was banished. While I was in the United States, was I very happy? Yes, I was very happy to find a refuge, but I have met men who have come to me several times and say: "Here! Look out! Here is a man on the other side of the line and he is trying to have a revenge at you, when you go water your horse." Because they had left stains, as much as possible, on my name, I could not even water my horse on the Missouri, without being guarded against those who wanted my life, and it is an irony for me that I should be called David. Last year, when I was invited instead of coming to this country, I could with the plan that has appeared to me, I could have communicated with the Fenian organization, I could have sent my book, I did not do it, and as a proof of it, while I have no means at all to communicate with my brother, you will see in Manitoba letters to my brother Joseph, where I speak of my book, that I could get any amount of money for that book, if I wished it to be published, but I thought that there was a better chance on this side of the line. And what chance is it? What I said, constitutionally speaking, if Riel succeeds that he should one day, as a public man, invite emigration from different parts of different countries of the world, and because the North West is acknowledged to be partly his own as a Half breed of this population, and make bargains for this North-West here with the Canadian government in such a way, so that when the English population has had a full and reasonable share of this land, other nationalities with whom we are in sympathy should have also their share of it. When we gave the lands of Manitoba for one-seventh, we did not explain. We gave it to the Canadian Government, but in giving it to the Canadian Government it does not mean that we gave it—with all the respect that I have for the English population—to the Anglo-Saxon race. We did not give it only to the Anglo Saxon race. There is the Irish in the East and the French in the west, and their proportion in the Canadian government ought to receive a reasonable proportion of this land which is bought here, and it is hardly the same to give to some French Canadians in the North-West, and none at all to the Irish. I don't speak here to call the sympathies, because I am sentenced. I speak sound sense. I followed the line of natural and reasonable sympathies, but behind my thought, perhaps you would be inclined to believe that it is a way for me to try to work against the English. No, I don't. I believe that the English constitution is an institution which has been perfected for the nations of the world; and while I speak of having in future, if not during my lifetime, after it, of having different nationalities in the North-West here, my hope that they can succeed is that they will have here among them the great Anglo-Saxon race, as among the nations of Europe. Two thousand years ago, the Roman people were the leading race and were teaching to the other nations, good

government, that is my opinion of the Anglo-Saxon race. I am not insane enough to regret the great glory of the Anglo-Saxon race. God has given it to that race, and when God gives something to somebody, it is for a good purpose and if God gave great glory to England, it is because he wanted the Anglo-Saxon race to work for his own glory, and I suppose it is not finished yet; they will continue. The roman empire at the time of the decay, existed four hundred years still as the King.

The Anglo-Saxon, the British Empire if it has gone to its highest point of glory may be called the king, but it is so great it will take many hundred years and fully as many as 400 years to lose its prestige and during that time I hope that this great North-West with British influence will by the immigration of which I speak, reach good government. But will I show insanity in hoping that that plan will be fulfilled? I will speak of the wish of my heart. I have been, in what is called, asserted to be wrong to day, I have been proved to be the leader, I hope that before long that very same thing which was said wrong will be known as good and then I will remain the leader of it and as the leader of what I am doing I say my heart will never abandon the idea of having a new island in the North-West, by constitutional means, inviting the Irish of the other side of the sea to come and have a share here; a new Poland in the North-West, by the same way; a new Bavaria, in the same way; a new Italy in the same way. And on the other side in Manitoba—and since Manitoba has been erected it has been increased since 1870, at least by 9,600,000 acres of land, now it is 96,000,000 say there is about 86,000,000, acres of land to which the Half-breeds title has not been extinguished. One seventh gives 12,000,000, of those lands—and I want French-Canadians to come and help us there to-day, to-morrow I don't know when. I am called here to answer for my life to have time that I should make my testimony. And on the other side of the mountain there are Indians, as I have said, and Half-breeds and there is a beautiful island Vancouver and I think the Belgians will be happy there and the Jews who are looking for a country for 1800 years, the knowledge of which the nations have not been able to attain yet, while they are rich and the lords of finance. Perhaps will they hear my voice one day and on the other side of the mountains while the waves of the Pacific will chant sweet music for them to console their hearts for the mourning of 1800 years, perhaps will they say: He is the one thought of us in the whole Cree world and if they help us there on the other side between the great Pacific and the great Rockies to have a share, the Jews from the States? No, what I wish is the natural course of immigration that is what I want. My thoughts are for peace. During the 60 days that I have been at Batoche I told you yesterday that they were three delegations appointed by the ex-ovede to send on the other side for help, but there I did not see the safety that I was looking for, not that I distrust my countrymen; but such a great revolution will bring immense disasters and I don't want during my life to bring disasters except those which I am bound to bring to defend my own life and to avoid, to take away from my country disasters which threaten me and my friends and those who have confidence in me. And I don't abandon my ancestors either. The acknowledgement that I have for my ancestors, my ancestors were among those who came from Scandinavia and the British Islands 1000 years ago, some of them went to Limerick and were called Rielson and then crossed in Canada and they were called Riel, so in me there is the Scandinavian and well rooted there is the Irish, and there is the French and there is some Indian blood. The Scandinavians if possible they will have a share. It is my plan it is one of the illusions of my insanity, if I am insane, that they should have on the other side of the mountain a new Norway, a new Denmark and a new Sweden so that those who spoke of the lands of the great North West to be divided in seven forgot that it was in ten, the French in Manitoba, the Bavarians the Italians the Poles and the Irish in the North-West and then five on the other side too.

I have written those things. Since I am in jail, those things have passed through the hands of Captain Dean. There they are in the hands of the Lieutenant Governor; and something of it has reached Sir John, I think, I don't know. I did hide my thoughts, I want through the channel of natural emigration or peaceful emigration, through the channel of constitutional means to start the idea and if possible to inaugurate it, but if I can't do it during my life, I leave the ideas to be fulfilled in the future and if it is not

possible, you are reasonable men and you know that the plans that I propose are of an immense interest and if it is not if that peaceful channel of emigration is not open to those races into the North-West, they are in such numbers in the States that when you expect it least they will perhaps try to come on your borders and to look at the land whether it is worth paying a visit or not, that is the one-seventh of the lands, that is about the one-seventh of the lands. So you see that by the very nature of the evidence which has been given here when the witnesses speak of the one-seventh of the lands, that very same question originates from 1870, from the troubles of Red River, which brought a treaty where the one-seventh of the lands took its existence, and I say that if this court tries me for what has taken place into the North-West, they are trying me for something which was in existence before them. This Court was not in existence when the difficulties of which we speak now in the Saskatchewan began, it is the difficulties of '69 and what I say is I wish that I have a trial. My wish is this. Your Honors, that a commission be appointed by the proper authorities,—but amongst the proper authorities of course I count the English authorities, that is the first proper authorities, that a commission be appointed, that that commission examines into this question or if they are appointed to try me, if a special tribunal is appointed to try me, that I am tried first on this question: Has Riel rebelled in '69? 2nd. question: Was Riel a murderer of Thomas Scott, when Thomas Scott was executed? 3rd. question: When Riel received the money from Archbishop Taché reported to be the money of Sir John, was it corruption money? 4th. When Riel seized with the Council of Red River on the property of the Hudson Bay Coy, if he did a common pillage? When Riel was expelled from the House as a fugitive of justice in 1874, was he a fugitive of justice, as at that time he had through the member for Hochelaga now in Canada, and through Dr. Fiset had communication with the Government, but another time through the member for Hochelaga, Mr. Alphonse Desjardins

I have asked from the Minister of Justice an interview on the fourth of March, and that interview was refused to me. In the month of April, I was expelled from the House. Lepine was arrested in 1873, and I was not, not because they did not want to take me. And while I was in the woods waiting for my election, Sir John sent parties to me offering me \$35,000 if I would leave the country for three years, and if that was not enough to say what I wanted, and that I might take a trip over the water besides and over the world. At the time I refused it. This is not the first time that the \$35,000 comes up; and if at that time I refused it, was it not reasonable for me that I should think it a sound souvenir to Sir John? Am I insulting? No, I do not insult. You don't mean to insult me when you declare me guilty, you act according to your convictions. I also act according to mine. I speak true. I say they should try me on this question: Whether I rebelled in the Saskatchewan in 1885. There is another question I want to have on trial. I wish to have a trial that would cover the space of fifteen years on which public opinion is not satisfied. I have, without meaning any offence, I have heard without meaning any offence, when I spoke of one of the articles I mentioned, some gentlemen behind me saying. Yes he was a murderer. You see what remarks! It shows there is something not told. If told by law it would not be said. I wish to have my trial, as I am tried for both, and as I am tried for my career I wish my career should be tried, not the last part of it. On the other side I am declared to be guilty of high treason and I give myself as a prophet of the new world. If I am guilty of high treason I say I am the prophet of the new world. I wish that while a commission sits on one side, a commission of doctors should also sit and examine fully whether I am sane, whether I am a prophet or not. Not insanity; because it is disposed of, but whether I am a deceiver or an impostor. I have said to my lawyers: "I have written things which were said to me last night, and which have taken place to-day." I said that before the Court opened last night the spirit that guides and assists me told me: "The Court will make an effort." Your Honor, allow me to speak of your charge, which appeared to me to go on one side. The Court, made an effort, and I think that word was justified. At the same time there was another thing said to me: "A commission will sit; there will be a commission." I did not hear yet that a commission is to take place. I asked for it. You will see if I am an impostor thereby. The doctors will say; when I speak of these

things, whether I am deceiving. If they say I am deceiving, I am not an impostor by will. I may be declared insane because I seek an idea which drives me to something right. I tell you in all what I say, in most things I do, I do according to what is told to me.

In Batoche many things which I said have already happened. It was said to me: "Not far from here." And that is why I never wanted to send the Half-breeds far. I wanted to keep them and it was said to me: "I will not begin to work before twelve o'clock" and when the first battle opened I was taking my dinner at Duck Lake, when the battle began it was a little after twelve o'clock "I will not begin to work before twelve o'clock". And what has happened? And it was said to me: "If you don't meet the troops on such a road you will have to meet them at the foot of a hill and the Half-breeds facing it." It is said my papers have been published, if they have been published examine what took place and you will see we had to meet general Middleton at the foot of the hill. It was also told me that men would stay in the *belle prairie* and the spirit spoke of those who would remain on the *belle prairie* and there were men who remained on the *belle prairie*. And the pits it was looked upon as something very correct in the line of military art; it was not come from me or Dumont; it was from the spirit that guides me. I have two reasons why I wish the sentence of the court should not be passed upon me, the first I wish my trial should take place as I said. Whether that wish is practical or not I bow respectfully to the court. I ask that a commission of doctors examine me; as I am declared guilty I would like to leave my name as far as conscience is concerned all right. If a commission of doctors sits and if they examine me, they can see if I was sincere or not. I will give them the whole history and I think while I am declared guilty of high treason it is only right I should be granted the advantages of giving my proofs whether I am sincere, that I am sincere. Now I am judged a sane man, the cause of my guilt is that I am an impostor, that would be the consequence. I wish a commission to sit and examine me. There have been witnesses around me for 10 years about the time they have declared me insane and they will show if there is in me the character of an impostor. If they declare me insane, I have been astray. I have been astray not as an impostor, but according to my conscience. Your Honor that is what I have to say:

MR. JUSTICE RICHARDSON,

Louis Riel, after a long consideration of your case in which you have been defended with as great ability as I think any counsel could have defended you with, you have been found by a jury who have shown, I might almost say, unexampled patience, guilty of a crime, the most pernicious and greatest that man can commit; you have been found guilty of high treason, you have been proved to have let loose the flood gates of rapine and bloodshed, you have, with such assistance as you had in the Saskatchewan country, managed to arouse the Indians and have brought ruin and misery to many families whom if you had simply left alone, were in comfort and many of them were on the road to affluence. For what you did, the remarks you have made form no excuse whatever, for what you have done the law requires you to answer.

It is true that the Jury in merciful consideration, have asked Her Majesty to give your case such merciful consideration as she can bestow upon it. I had almost forgotten that those who are defending you have placed in my hands a notice that the objection which they raised at the opening of the court must not be forgotten from the records in order that, if they see fit, they may raise the question in the proper place. That has been done; but in spite of that I cannot hold out any hope to you that you will succeed in getting entirely free or that Her Majesty will, after what you have been the cause of doing, open Her hand of clemency to you. For me I have only one, more duty to perform that is to tell you what the sentence of the law is upon you. I have, as I must, given time to enable your case to be heard. All I can suggest or advise you is to prepare to meet your end, that is all the advice or suggestion I can offer. It is now my painful duty to pass the sentence of the court upon you and that is that you be taken now from here to the police guard room at Regina, which is the jail and the place from whence you came, and that you be kept there till the 18th September next, and on the 18th September next you be taken to the place appointed for your execution and there be hanged by the neck till you are dead. And may God have mercy on your soul!

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EXHIBIT No. 1.

Batoche.

If you massacre our families, we are going to massacre the Indian agent and other prisoners:

LOUIS "DAVID" RIEL,
Exovede.

Per J. W. Astley, bearer, May 12th 1885.

(Endorsement on Exhibit No. 1)

May 12th 1885.

Mr. Riel,—I am anxious to avoid killing women and children and have done my best to avoid doing so. Put your women and children in one place and let us know where it is and no shot shall be fired on them. I trust to your honor not to put men with them.

FRED. MIDDLETON,
Com. N. W. Field forces.

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Sir,—If you massacre our families, we will begin by Indian Lash and other prisoners.

LOUIS "DAVID" RIEL,
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F. E. Jackson, bearer, 12th May 1885.

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Major General Middleton,

General,—Your prompt answer to my note shows that I was right in mentioning to you the cause of humanity. We will gather our families in one place and as soon as it is done we will let you know.

I have the honor to be, General,
Your humble servant,

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things, whether I am deceiving. If they say I am deceiving, I am not an impostor by will. I may be declared insane because I seek an idea which drives me to something right. Tell you, in all what I say, in most things I do, I do according to what is told to me.

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Major General Middleton,

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I have the honor to be, General,
Your humble servant,

LOUIS "DAVID" RIEL.

EXHIBIT No. 4.

I do not like war and if you do not retreat and refuse an interview, the question remaining the same the prisoners.

EXHIBIT No. 5.

St. Antony, March 21st., 1885.

To Major Crozier,

Commandant of the police force at Carlton and Battleford.

Major.—The councillors of the provisional government of the Saskatchewan have the honor to communicate to you the following conditions of surrender; you will be required to give up completely the situation which the Canadian Government have placed you in, at Carlton and Battleford, together with all government properties.

In case of acceptance you and your men will be set free on your parole of honor to keep the peace. And those who will chose to leave the country will be furnished with teams and provisions to reach Qu'Appelle.

In case of non-acceptance, we intend to attack you when to-morrow the Lord's day is over: and to commence without delay a war of extermination upon all those who have shown themselves hostile to our rights.

Messrs Charles and Maxime Lepine are the gentlemen with whom you will have to treat.

Major, we respect you. Let the cause of humanity be a consolation to you for the reverses which the governmental misconduct has brought upon you.

LOUIS DAVID RIEL,
Exovede.

RÉXÉ PARENTEAU. *Chairmen.*
CHARLES NOLIN.
GABRIEL DUMONT.
MOÏSE OUELLETTE.
ALBERT MONKMAN.
BAPTISTE BOYER.
DONALD ROSS.
AMABLE JOBIN.

JEAN-BAPTISTE PARENTEAU.
PIERRE HENRY.
ALBERT DELORME.
DAM. CARRIÈRE.
MAXIME LÉPINE.
BAPTISTE BOUCHER.
DAVID TOUROND.

PH. GARNOT, *Secretary.*

St. Antony, March 21st., 1885.

To Messrs Charles Nolin and Maxime Lépine

Gentlemen.—If Major Crozier accedes to the conditions of surrender, let him use the following formula and no other: "Because I love my neighbour as myself for the sake of God, and to prevent bloodshed and principally the war of extermination which threatens the country, I agree to the above conditions of surrender."

If the Major writes this formula and signs it, inform him we will receive him and his men, Monday.

Yours, LOUIS DAVID RIEL,
Exovede.

EXHIBIT No. 6.

A calamity has fallen upon the country yesterday. You are responsible for it before God and man.

Your men cannot claim that their intentions were peaceable since they were bringing along cannons. And they fired many shots first.

God has pleased to grant us the victory; and as our movement is to save our rights, our victory is good; and we offer it to the Almighty.

Major, we are Christians in war as in peace. We write to you in the name of God and of humanity to come and take away your dead whom we respect. Come and take them to-morrow before noon.

We inclose herein copy of a resolution adopted to day by the representatives of the French Half-breeds.

True copy.

PH. G.

EXHIBIT No. 7.

TO THE HALF-BREEDS OF LAKE QU'APPELLE.

(The address is in French and the letter in English.)

Dear relatives.—We have the pleasure to let you know that on the 26th of last month, God has given us a victory over the mounted police. Thirty Half-breeds and five free indians have met hundred and thirty policemen and volunteers. Thanks to God; we have defeated them. Yourselves, dear relatives, be courageous; do what you can. If it is not done yet, take the stores, the provisions, the munitions, (Then follow two or three lines not intelligible.)

EXHIBIT No. 8.

[Translation.]

God Almighty has always taken care of the Half-breeds. He has fed them for a long while in the wilderness. It was Divine Providence that increased the herds of buffaloes grazing on our prairies and the abundance which our forefathers have enjoyed, was as marvellous as the manna falling from heaven. But we have failed in gratefulness towards God our Almighty Father, and it is on account of that that we have fallen into the hands of a government whose sole aim was to plunder us. Oh, if we had understood what God was doing in our favor before Confederation, we would have adopted measures in consequence, and the Half-breeds in the North-West would have exacted the necessary conditions to secure for our children that freedom, that possession of the land which are indispensable to one's happiness. But fifteen years of suffering, of poverty and underhand and malicious persecution, have opened our eyes, and the sight of the abyss of demoralisation into which the Dominion plunges us deeper and deeper every day has, through the mercy of God, struck us with terror, and frightened us more of this hell where the mounted police and the Government are trying to drive us openly than we are of their fire arms, which after all can but destroy our bodies. In our alarm, we have heard from the bottom of our hearts a voice which said: "Justice commands you to take up arms." Dear relatives and friends, we advise you to be on your guard. Be ready to face all events. Take with you all the Indians, gather them from all sides. Seize all the munitions that you can, in every store wherever it is. Grumble, growl and threaten, raise the Indians. Proclaim that the police at Fort Pitt and Fort Bataille is powerless. We beg of God to open the route for us, and once we have entered it, we shall help you to take Fort Bataille and Fort Pitt. Trust in Jesus-Christ. Trust in and put yourselves under the keeping of the Holy Virgin.

Pray to St. Joseph for he is all powerful with God. Implore the powerful intercession of St. Jean-Baptiste, the glorious patron saint of the Canadians and of the Half-breeds. Make your peace with God. Obey his commandments. We ask Him to be amongst you and to make you succeed.

Try to communicate as soon as possible to the Half-breeds and Indians at Fort Pitt, the news we send you. And tell them to be on their guard, to be ready to face all events

EXHIBIT No. 9.

TO THE HALF-BREEDS,
TO THE INDIANS,
TO THE HALF-BREEDS AND TO THE INDIANS AT FORT BATAILLE AND VICINITY

[Translation.]

Dear brethren and dear relatives,—Since we have written, important things have occurred. The police came to attack us. We met them and God has given us a victory. Thirty Half-breeds and five Indians stood the fight against 120 men and after 35 or 40 minutes, the latter ran away. Join us in blessing God for the success which He has had the charity to favor us with. Rise up, face the enemy and if you can, take Fort Bataille. Destroy it. Save all the goods and provisions and come and join us. You are in sufficient numbers to send us perhaps a detachment 40 or 50 strong. All that you do, do it for the sake of God, under the keeping of Jesus-Christ, the Holy Virgin, St. Joseph and St. Jean-Baptiste and be sure that Faith works wonders.

LOUIS DAVID RIEL, Exoyede.

(in pencil) Signed by the members of the Council.

EXHIBIT No. 10.

TO MY BRETHREN THE ENGLISH AND FRENCH HALF-BREEDS OF LAKE QU'APPELLE AND VICINITY

[Translation.]

Dear relatives and friends,—If you have not already heard of it we will tell you the motives which induce us to take up arms. You are aware that from time immemorial our forefathers have risked their lives to defend this country which was theirs and which is ours. The Ottawa government has taken possession of our native land. It's now fifteen years that they deny us our rights and that they offend God Almighty by heaping thousands of injuries upon us. The employees commit all kind of crimes. The members of the mounted police scandalize every one by their bad talk and their bad conduct. They are depraved so that our wives and daughters are no more in safety when living near them. They haven't got the least respect for the rules of decency. Oh! my brethren and friends, we are bound to trust in God always, but now that the measure is full, we have particular need to recommend ourselves to our Saviour. Perhaps you will look upon these things in the same light as we do. Our country is taken from us and then it is misgoverned so that if we let things go on, before long it will be impossible for us to be saved. The english Half-breeds of the Saskatchewan side with us openly. The Indians are coming and join us on all sides. Buy all the munition you can. Go and get some, if necessary, on the other side of the line. Be ready. Do not listen to the offers that the Ottawa government will try to submit to you. These offers are those of thieves. Don't sign any papers or petitions. Trust in God Almighty.

Saint-Antoine, March 23rd., 1885

[Translation.]

To our relatives.—Thanks for the good news that you took the trouble to send us. Since you are willing to help us, may God bless you.

Justice commands to take up arms. And if you see the police passing by, attack them, destroy them. (And written across the first part of this letter in english "Afterwards notify the Wood Indians not to be taken.")

EXHIBIT No. 11

"I will not begin to work before twelve hours."

[Translation.]

Our relatives, thanks for the good news that you took the trouble to send us. Since you are willing to help us, may God bless you. And if you see the police passing by, attack them and take away their arms. Justice commands to take up arms. Afterwards notify the Wood Indians not to be taken unawares, but rather to be on their guard, let them take munitions from all the stores at Nut Lake, Fish Lake.

M. F. X. Batoche,—The french Half-breeds have taken up arms in a body. None of our people are against it. Tell our relatives, the Indians, to be prepared to come and help us if necessary. Take all the company's munitions.

EXHIBIT No. 12.

[Translation.]

Depend on God and on the circumstances that Providence actually brings forth in the Saskatchewan. We shall not forget you. If promises are held forth to you, say that the time for promises is past. We have reached a pass that compels us to require proofs for every thing. Pray, be good, obey God's commandments and nothing will fail you.

EXHIBIT No. 13.

Dear relatives, We thank you for the good news that you took the trouble to send us. Since you are willing to help us, may God bless you in all what is to be done for our common salvation.

Justice commands to take up arms. And if you see the police passing by, stop it and take away their arms.

Afterwards notify the Wood Indians that they might be surprised: let them be ready to all events, in being calm and courageous to take all the powder, the shot, the lead the posts and the cartridges from the Hudson's Bay stores, at Nut Lake and Fishing Lake. Do not kill anybody. Do not molest nor illtreat anybody. Fear not, but take away the arms.

LOUIS "DAVID" RIEL.

EXHIBIT No. 14.

Gentlemen.—The councillors of the Half breeds, now under arms at St. Anthony, have received your message of the 22nd of March, 1885.

They thank you for the sympathy with which you honor them even in this crisis, and of which you have given ample proof before.

Situated as you are, it is difficult for you to approve (immediately) of our bold but just uprising, and you have been wise in your course.

Canada (Ottawa) has followed with us neither the principles of right nor constitutional methods of government. They have been arbitrary in their doings. They have usurped the title of the aboriginal Half-breeds to the soil. And they dispose of it at conditions opposed to honesty. Their administration of our lands, is which are already weighing altogether false, and which are already weighing very hard on all classes of the North West people. They deprive their own immigrants of their franchises, of their liberties, not only political but even civil, and as they respect no right, we are justified before God and men to arm ourselves, to try and defend our existence, rather to see it crushed.

As to the Indians, you know, gentlemen, that the Half-breeds have great influence over them. If the bad management of Indians affairs by the Canadian Government has been fifteen years without resulting in an outbreak, it is due only to the Half-breeds who have up to this time persuaded to keep quiet. But now that the Indians, now that even ourselves are compelled to resort to arms, how can we tell them to keep quiet? We are sure that if the English and French Half-breeds unite well in this time of crisis not only can we control the Indians but we will also have their weight on our side in the balance.

Gentlemen, please do not remain neutral. For the love of God, help us to save the Saskatchewan. We sent to-day a number of men with Mr. Monkman to help and support (under as it is just) the cause of the aboriginal Half-breeds. Public necessity means no offence. Let us join willingly. The aboriginal Half-breeds will understand that if we do so much for their interest, we are entitled to their most hearty response.

You have acted admirable in sending copy of your resolutions to Carlton as well as to St. Anthony. We consider that we have only two enemies in.

The french Half-breeds believe that they are only two enemies, Coshen and Carlton. Dear brethren in Jesus-Christ let us avoid the mistakes of the past.

We consider it an admirable act of, it has been an admirable act of prudence that you should have sent copies of your resolutions to the police in Carlton and to the men of St. Anthony.

We, dear brothers in Jesus-Christ, let us avoid the mistakes of the past, let us work for us and our children, as true christians.

LOUIS "DAVID" RIEL,
Exovede.

If we are well united the police will surrender, and come out of Carlton as the hen's heat causes the chicken to come out of the shell. A strong union between the French and English Half-breeds is the only guarantee that there will be no blood-shed.

EXHIBIT No. 15.

Resolved first that. When England gave that country to the H. B. Co. two hundred years ago, the North-West belonged to France as history shows it.

And when the treaty of Paris ceded Canada to England no mention of any kind was made of the North-West.

As the American English Colonies helped England to conquer Canada they ought to have a share of conquest and that share ought to be the North West since commercially and politically the United States Government have done more for the North-West than ever England did.

Resolved first, that our union is and always will be most respectful towards the American Government, their policy, their interest, and towards the territorial government of Montana as well.

Second. That our union will carefully avoid causing any difficulty whatever to the United States, and will not conflict in any way with the constitution and laws of the government, it is doubtful whether England really owns the North-West because the first act of government that England ever accomplished over that North-West was to give it as a prey to the sordid monopoly of the Hudson Bay Company (200) two hundred years ago.

Her second act of government of any importance over that country, was to give it in 1870 as a prey to the Canadians.

Our union is and always will be most respectful towards the American.

Annexation.

Against England and Rome.

Manitoba. French Canadians.

EXHIBIT No. 16

The French Half-breed members of the provisional government of the Saskatchewan, have separated from Rome and the great mass of the people have done the same.

If our priests were willing to help us and up to this time our priests have shown themselves unwilling to leave Rome. They wish to govern us in a manner opposed to our interest and they wish to continue and govern us according to the dictates of Leo the 13th.

Dear brothers in Jesus-Christ, for the sake of God, come and help us so that that enterprise against Rome may be a success, and in return we will do all our power to secure our political rights.

EXHIBIT No. 17.

Dear relatives.—We have the pleasure to let you know that, on the 26th of last month, God has given us a victory over the mounted police.

Thirty-five Half-breeds and some five or six Cree Indians have met hundred and twenty policemen and volunteers.

Thanks to God we have defeated them. Yourselves dear relatives, be courageous. Do what you can? If it is not done, take the stores, the provisions and the munitions. And without delay come this way as many as it is possible. Send us news.

LOUIS "DAVID" RIEL,
Exovede.

MOISE OUELLETTE.
J. BAPTISTE BOUCHER.
DONALD ROSS.
BAPTISTE PARENTEAU.
MAXIME LÉPINE.
CHARLES TROTIER.

DAMASE CARRIÈRE.
EMMANUEL CHAMPAGNE.
PIERRE HENRY.
PIERRE GARIÉPY.
ALBERT MONKMAN.
AMBROISE JOBIN.

The mounted police are making preparations for an attack, they are gathering themselves in one force and no delay should exist, come and reinforce us.

EXHIBIT No. 18

[Translation]

Saint-Antoine, April 9th., 1885.

To the Half-breeds and Indians of Fort Bataille and vicinity.

Since we wrote to you, important things have occurred. The police attacked us. We met them. God has given us a victory. Thirty Half-breeds and five Crees stood the fight against one hundred and twenty men. After fighting during thirty-eight or forty minutes, the enemy took flight.

Bless God with us for the success that he has had the charity to give us. Rise up. Face the police. If possible, if it is not done yet, take Fort Bataille. Destroy it. Save all the provisions and goods and come and join us. You are in sufficient numbers to send us a detachment forty or fifty strong.

All that you do, do it for the sake of God Almighty, under the keeping of Jesus Christ, the Holy Virgin, St. Joseph and St. Jean-Baptiste.

Be convinced that Faith works wonders.

PIERRE PARENTEAU,
CHARLES TROTTIER,
BTE. BOUCHER,
PIERRE HENRY,
ANT. JOBIN,

LOUIS "DAVID" RIEL, *Excoede.*

DONALD ROSS,
PIERRE GARIÉPY,
DAMASE CARRIÈRE,
M. LÉPINE,
P. H. GARNOT, *secretary.*

EXHIBIT No. 19.

Major General Frederick Middleton,

General,—I have received only to-day yours of the 13th instant. My council are dispersed, I wish you would let them quiet and free. I hear that presently you are absent. Would I go to Batoche, who is going to receive me? I will go to fulfil God's will.

LOUIS "DAVID" RIEL, *Excoede.*

15th May, 1885.

EXHIBIT No. 20.

Duck Lake, March, 27th, 1885.

TO MAJOR CROZIER, COMMANDING OFFICER FORT CARLTON.

Sir,—A calamity has fallen upon the country yesterday, you are responsible for it before God and men.

Your men cannot claim that their intentions were peaceable since they were bringing along cannons. And they fired many shots first.

God has been pleased to grant us the victory, and as our movement is to save 600 lives, our victory is good, and we offer it to the Almighty.

Major, we are Christians in war as in peace. We write in the name of God and of humanity to come and take away your dead whom we respect. Come and take them to-morrow before noon.

We enclose herein copy of a resolution adopted to-day by the representatives of the French Half-breeds

LOUIS "DAVID" RIEL, *Excoede.*

ALBERT MONKMAN,
GABRIEL DUMONT,
NORBERT DELORME,
PIERRE GARIÉPY,
PIERRE PARENTEAU,
DONALD ROSS,
MOÏSE OUELLETTE,

MAXIME LÉPINE,
J. BTE BOUCHER,
DAMASE CARRIÈRE,
BTE. PARENTAEU,
PIERRE PARENTEAU,
AML. JOBIN,
DAVID TOUROND,
P. GARNOT, *Secrétaire.*

Copy of minutes.

That a prisoner be liberated and given a letter to the commanding officer at Carlton, inviting him in the name of God and of humanity to come and take away the bodies of the unfortunate who fell yesterday on his side, in the combat; that far from being molested he will be accompanied by our condolences in the fulfilment of that sorrowful duty; that we will wait till to-morrow noon. Moved by Mr. Monkman, seconded by Mr. John Baptiste Boucher, and unanimously carried. Dated March 27th, 1885.

IN APPEAL.

CANADA,
Province of Manitoba.

COURT OF QUEEN'S BENCH.

THE QUEEN vs. RIEL.

Appeal from North-West Territories.—Presence of prisoner.—Production of papers.

PRESENT—WALLBRIDGE, C. J.; TAYLOR, KILLAM, JJ.

SUMMARY

The Court of Queen's Bench in Manitoba has no power to send a *habeas corpus* to the North-West Territories, and will hear an appeal in the absence of the prisoner.

Upon a criminal appeal from the North-West Territories, the original papers should be produced. If the prisoner cannot procure them, the Court will act on sworn or certified copies.

Winnipeg, 2nd September, 1885.

This was an appeal by a prisoner who had been convicted of treason before a stipendiary magistrate and a justice of the peace in the North West Territories. By arrangement, counsel for the Crown and the prisoner appeared in court. The stipendiary magistrate had sent to the clerk of the court certain papers which he certified to be "a true record," with copies of the exhibits put in at the trial certified as true copies.

J. S. EWART, Q. C., and F. X. LEMIEUX and CHAS. FITZPATRICK, of the Quebec bar, for the prisoner. The Statute 43 Vic. c. 25, s. 77, is as follows:—"A person convicted of any offence punishable by death, may appeal to the Court of Queen's Bench in Manitoba, which shall have jurisdiction to confirm the conviction, or to order a new trial; and the mode of such appeal, and all particulars relating thereto, shall be determined from time to time by ordinance of the Lieutenant Governor in Council."

No procedure has been provided, and there is therefore no means of procuring either the papers or the attendance of the prisoner, who is entitled to argue his case in person. In *Reg. v. Whalen*, 28 U. C. Q. B. 108, the Court of Error and Appeal refused to proceed with an appeal until the papers were properly brought before it.

C. ROBINSON, Q. C., and B. B. OSLER, Q. C., both of the Ontario bar, and J. A. M. AIKENS, Q. C., for the Crown. All the requisite papers are before the Court, and the prisoner's counsel must elect whether they will proceed or not. The Crown makes no objection to the regularity of the appeal.

WALLBRIDGE, C. J., delivered the judgment of the Court:—

The statute gives the prisoner the right to appeal, and is silent as to his presence or absence.

The North-West Territories are outside the limits of Manitoba.

This Court has no power to send a *habeas corpus* beyond its own limits, and the Statute has made no provision in this respect.

By the statute 43 Vic., c. 25, sec. 77, power is given to a person convicted, to appeal to the Court of Queen's Bench in Manitoba, which court shall have power to confirm the conviction, or to order a new trial. This extent of the power of this court, is wholly statutory. This statute, in effect, directs the prisoner to make this appeal, not merely by appearing by counsel, but by placing the court in such a position that the court can hear

the appeal. This section also enacts that the mode of the appeal, and all particulars relating thereto, shall be determined from time to time by ordinance of the Lieutenant Governor in Council, *i. e.*, of the North-West Territories.

No such regulations have been made, and this court has no power to compel the making of them.

The appellant desires to know upon what proceedings his appeal is to be heard. We are of opinion that the original papers should be before us.

If the prisoner has applied for them and they have been refused to him, the Court will receive as sufficient, sworn copies, or copies properly certified.

The prisoner does not show that he has made any effort to get these papers, or that they have been refused to him.

Counsel for the Crown say they are ready to go on now, and argue the appeal upon the papers already transmitted by the stipendiary magistrate before whom the prisoner was tried.

Counsel for the prisoner decline to concur in this mode.

We are of opinion that the original papers, *i. e.* the proceedings and evidence taken and had on the trial, should be transmitted to this court. If it be shown that these have been demanded and cannot be had, then the court will receive verified copies of them.

It is the duty of the person appealing, to supply this court with the necessary papers upon which the appeal is to be heard, or to do all in his power for that purpose. The statute before cited has given the prisoner the right to appeal to this court, which has no power to send its process outside the limits of the province. We are, therefore, of opinion that we cannot send a *habeas corpus* to bring the prisoner before us; nevertheless, we are by law obliged to hear his appeal.

Counsel for the prisoner have given the stipendiary magistrate notice of their intention to appeal, and he has sent to this court certain papers, which upon inspection appear to be copies; but are certified to as a true and correct record of the proceedings at the trial of Louis Riel upon the charges set forth therein; and after evidence and address of counsel, he concludes as follows: "Certified a true record," and he annexes thereto copies of the exhibits. Again is appended a certificate—"Certified true copies."

If the prisoner desires time to procure the original papers, the Court will adjourn for a sufficient length of time to enable him to get them.

THE QUEEN vs. RIEL.

Treason.—Jurisdiction of North-West Court.—Information.—Evidence in shorthand.—Appeal upon fact.—Insanity.

SUMMARY

1. In the North West Territories a stipendiary magistrate and a justice of the peace, with the intervention of a jury of six, have power to try a prisoner charged with treason. The Dominion Act 43 Vic. c. 25 is not *ultra vires*.
 2. The information in such case (if any information be necessary) may be taken before the stipendiary magistrate alone. An objection to the information would not be waived by pleading to the charge after objection taken.
 3. At the trial in such case the evidence may be taken by a shorthand reporter.
 4. A finding of "guilty" will not be set aside upon appeal if there be any evidence to support the verdict.
 5. To the extent of the powers conferred upon it, the Dominion Parliament exercises not delegated, but plenary powers of legislation.
- Insanity, as a defence in criminal cases, discussed.

J. S. EWART, Q. C., and F. X. LEMIEUX and CHARLES FITZPATRICK, of the Quebec Bar, for the prisoner.

C. ROBINSON, Q. C., and B. B. OSLER, Q. C., both of the Ontario Bar, and J. A. M. AIKENS, Q. C., for the Crown.

Winnipeg, 9th September, 1885.

WALLBRIDGE, C. J.—The prisoner was tried before Hugh Richardson, Esquire, a stipendiary magistrate in and for the North-West Territories, in Canada, upon a charge of high treason. The trial took place on the twentieth day of July, A. D. 1885, at Regina, in that territory, under the Dominion Act 43 Vic. c. 25, known as "The North-West Territories Act, 1880."

Section 1 of that Act declares, that the territories known as Rupert's Land and the North-West Territory (excepting the Provinces of Manitoba and Keewatin), shall continue to be styled and known as "The North-West Territories."

Manitoba was erected into a separate province by the Dominion Act 33 Vic. c. 3, (12th May, 1870,) intituled "An Act to amend and continue the Act 32 and 33 Vict. c. 3, and to establish and provide for the government of the Province of Manitoba." Since which time Manitoba has formed a distinct province, with regularly organized government, separate legislature and courts. By an Imperial Act passed in 34 and 35 Vic. c. 28, cited as "The British North America Act, 1871," the Act 33 Vic. c. 3, providing for the government of the Province of Manitoba, was declared valid and effectual, from the day of its having received the Royal assent.

The North-West Territories Act, 1880, before referred to, under the head "Administration of Justice," section 74, empowers the Governor to appoint, under the Great Seal, one or more fit and proper person or persons, barristers-at-law or advocates of five years standing, in any of the provinces, to be and act as stipendiary magistrates within the North-West Territories. And by sec. 76, each stipendiary magistrate shall have magisterial and other functions appertaining to any justice of the peace, or any two justices of the peace; and one stipendiary magistrate is by that section, and the four following sub-sections, given power to try certain crimes therein mentioned, in a summary way, without the intervention of a jury. For crimes thus enumerated, the prisoner can be punished only by fine or fine and imprisonment, or by being sentenced to a term in the penitentiary. Sub-section 5 of section 76, however, under which this prisoner was tried, is in the following words:—

"In all other criminal cases, the stipendiary magistrate and a justice of the peace, with the intervention of a jury of six, may try any charge against any person or persons, for any crime."

Sub-section 10 of said section is in these words:—

"Any person arraigned for treason or felony may challenge peremptorily, and without cause, not more than six persons." And by sub-section 11, "The Crown may peremptorily challenge not more than four jurors."

If any doubt were entertained whether this Act was intended to extend to the crime of treason, this section would explain it; as by it an alteration is made in the number of peremptory challenges allowed to the Crown, reducing them to four.

By section 77 of that Act, it is enacted, that: "Any person convicted of any offence punishable by death, may appeal to the Court of Queen's Bench of Manitoba, which shall have jurisdiction to confirm the conviction or to order a new trial, and the mode of such appeal, and all particulars relating thereto, shall be determined from time to time by ordinance of the Lieutenant-Governor in Council."

This prisoner was arraigned, and pleaded not guilty, and was tried before the said Hugh Richardson, esquire, a stipendiary magistrate, and Henry LeJeune, esquire, a justice of the peace, with the intervention of a jury of six jurymen.

The case was tried upon the plea of not guilty to the charge. The prisoner was defended by able counsel, and all evidence called which he desired. No complaint is now made as to unfairness, haste, or want of opportunity of having all the evidence heard which he desired to have heard. The jury returned a verdict of guilty, and recommended the prisoner to mercy. Upon this state of circumstances, the case came before the Court of Queen's Bench for Manitoba, by way of appeal, under section 77 of the North-West Territories Act, hereinbefore mentioned. It will be observed that the power of this court upon appeal is limited to the disposition of the case in two ways,

viz.: either, in the words of the statute, "to confirm the conviction, or to order a new trial." We can dispose of it only in one of these two ways.

Upon the argument before this court no attempt was, or could be, made to show that the prisoner was innocent of the crime charged; in fact, the evidence as to guilt is all one way. The witnesses called upon the defence were so called upon the plea of insanity. The whole evidence was laid before us, and upon examining that evidence I think counsel very properly declined to argue the question of the guilt or innocence of the prisoner.

The argument before us was confined to the constitutionality of the court in the North-West Territory, and to the question of the insanity of the prisoner. As to the question of constitutionality, or jurisdiction, in my opinion the court before which the prisoner was tried does sustain its jurisdiction, under and by the Imperial Act 31 & 32 Vic. c. 105, s. 5, being The Rupert's Land Act, 1868, by which power is given to the Parliament of Canada to make, ordain and establish laws, institutions and ordinances, and to constitute such courts and officers as may be necessary for the peace, order, and good government of Her Majesty's subjects therein, meaning Rupert's Land, being the country embraced within that Territory within which this crime was committed. This statute alone confers upon the Dominion Parliament the power both to make laws and establish courts. Secondly, The Dominion Act 32 & 33 Vic. c. 5, intituled "An Act for the temporary government of Rupert's Land and the North West Territories, when united with Canada," passed in pursuance of section 146 of the British North America Act, 1867, by which both Rupert's Land and the North-West Territory were declared to be comprehended under the one designation of "The North-West Territories." Ample power is there given to make, ordain, and establish laws, institutions and ordinances for the peace, order and good government of Her Majesty's subject therein; and section 6 of that Act confirm the officers and functionaries in their offices, and in all the powers and duties as before then exercised. This Act, if *ultra vires* of the Dominion Parliament, at that time, was validated by the Imperial Act 34 & 45 Vic. c. 28, intituled "An Act respecting the establishment of provinces in the Dominion of Canada," in which the 32 & 33 Vic. c. 5, is in express words made valid, and is declared "to be, and be deemed to have been, valid and effectual for all purposes whatsoever, from the date at which it received the assent (22nd of June, 1869), in the Queen's name, of the Governor General of the Dominion of Canada." In my judgment, under both these Acts the courts in the North-West Territories are legally established, and whether the power were a delegated power or a plenary power, appears to me indifferent. The question is asked, could the Dominion Parliament legislate on the subject of treason? That question does not arise, because the Imperial Act validates the Dominion Act, and thus the Act has the full force of an Imperial Act.

The Imperial Act has, by express words, made the Dominion Act "valid and effectual for all purposes whatever from its date," and it thus became in effect an Imperial Act, and has all the effect and force which the Imperial Parliament could give it.

The Dominion Parliament thus had power to make the enactment called "The North-West Territories Act of 1880," and the prisoner was tried and convicted in accordance with the provisions of this latter Act. Of the regularity of those proceedings no complaint is made except upon one point, which is that the information or charge upon which the prisoner was tried does not show that the information was taken before the stipendiary magistrate and a justice of the peace, and it is contended that this objection is fatal to the form of the information. By section 76 of the N. W. T. Act, the stipendiary magistrate is declared to have the magisterial and other functions of a justice, or any two justices of the peace. An information could not only have been laid before him, as it in fact was, but could have been laid before, and taken by, a single justice of the peace. But if what is meant by the objection is, that the charge, for that is the word used in that sub-section of the statute under which the prisoner was tried, should show on its face that this charge was tried before the stipendiary magistrate and a justice, then it is answered by the fact that he was so tried before the stipendiary magistrate and Henry LeJeune, a justice of the peace.

The fifth section of the statute thus having been complied with as to the form of the charge, the law is, that inferior courts must show their jurisdiction on the face of their proceedings; but the contrary is the law in the case of superior courts. A court having jurisdiction to try a man for high treason and felonies punishable with death, cannot be called an inferior court; and this court has all the incidents appertaining to a superior court, and is the only court in the North-West Territories.

The court constituted under the North-West Territories Act of 1880, being a superior court, need not show jurisdiction on the face of its proceedings. The authorities cited to maintain the position were of inferior jurisdiction and are not applicable.

On the 7th May, 1880, the Dominion Government, by the North-West Territories Act, constituted the Court of the Queen's Bench of Manitoba a Court of Appeal in respect to offences punishable with death.

It is the prisoner, however, who appeals to us, not the Crown, and he can hardly be heard to object to the jurisdiction to which he appeals.

It is further urged that the stipendiary magistrate did not take, or cause to be taken, in writing, full notes of the evidence and other proceedings upon the trial.

It is true, the evidence produced to us appears to have been taken by a short hand writer; whether the stipendiary magistrate took, or caused to be taken, other notes in writing after the trial, in pursuance of sub-section 7 of section 76 of the Act, does not appear.

It is the prisoner, for it is his appeal, who furnishes this court with the evidence upon which the appeal is heard, and the Crown does not object to it.

Unless expressly required by statute, the judge who tries a criminal case is not bound to take down the evidence, and when he is required to do so, it is in order that it may be forwarded to the minister of Justice. Sub-section five, under which the trial took place, says nothing about the evidence, but simply that the stipendiary magistrate and a justice of the peace, with the intervention of a jury of six, may try any charge, against any person or persons, for any crime.

It is sub-section seven which directs the stipendiary magistrate to take or cause to be taken, in writing, full notes of the evidence and other proceedings thereat; and sub-section eight enacts, that when a person is convicted of a capital offence, and is sentenced to death, the stipendiary magistrate shall forward to the minister of Justice full notes of the evidence, with his report upon the case.

Suppose the notes of the evidence were taken by a short hand reporter, and afterwards extended by him, does not the stipendiary magistrate, in the words of the statute, "cause to be taken in writing full notes of the evidence."

I am of opinion that, for the trial, the stipendiary magistrate is not bound to take down the evidence, but he is bound to do so to forward the same to the minister of Justice.

In my opinion there is no departure from the direction of the statute. He does cause them to be taken. The directions, first to take them by short hand, and then to extend them by writing, is all one direction, or causing to be taken. This seems to me a reasonable compliance with the requirements of sub-section seven. Is it not too rigid a reading of the statute to say that the writing must be done whilst the trial progresses. Sub-section eight does not say a copy shall be sent to the minister of Justice, but "full notes of the evidence shall be sent to the minister of Justice."

Suppose the notes of the evidence were burned by accident—would the prisoner be denied his appeal?

The Crown has not objected to the evidence as furnished by the prisoner. The exception is purely technical, and in my opinion is not a valid one.

A good deal has been said about the jury being composed of six only. There is no law which says that a jury shall invariably consist of twelve or of any particular number. In Manitoba, in civil cases, the jury is composed of twelve, but nine, can find a verdict. In the North-West Territories Act, the Act itself declares that the jury shall consist of six, and this was the number of the jury in this instance. Would the stipendiary magistrate have been justified in impannelling twelve, when the statute directs him to impannel six only?

It was further complained that this power of life and death was too great to be entrusted to a stipendiary magistrate.

What are the safeguards?

The stipendiary magistrate must be a barrister of at least five years standing. There must be associated with him a justice of the peace, and a jury of six. The court must be an open public court. The prisoner is allowed to make full answer and defence by counsel.

Section 77 permits him to appeal to the Court of Queen's Bench in Manitoba, when the evidence is produced, and he is again heard by counsel, and three judges re-consider his case. Again, the evidence taken by the stipendiary magistrate, or that caused to be taken by him, must, before the sentence is carried into effect, be forwarded to the minister of Justice; and sub-section eight requires the stipendiary magistrate to postpone the execution, from time to time, until such report is received, and the pleasure of the Governor thereon is communicated to the Lieutenant-Governor. Thus, before sentence is carried out, the prisoner is heard twice in court, through counsel and his case must have been considered in Council, and the pleasure of the Governor thereon communicated to the Lieutenant-Governor.

It seems to me the law is not open to the charge of unduly or hastily confiding the power in the tribunals before which the prisoner has been heard. The sentence, when the prisoner appeals, cannot be carried into effect until his case has been three times heard, in the manner above stated.

Counsel then rest the prisoner's case upon the ground of insanity, and it is upon this latter point only that the prisoner called witnesses.

The jury by their finding have negatived this ground, and the prisoner can only ask, before us, for a new trial, we have no other power of which he can avail himself. The rule at law in civil cases is, that the evidence against the verdict must greatly preponderate before a verdict will be set aside; and in criminal cases in Ontario, whilst the law (now repealed) allowed applications for new trials, the rule was more stringent—a verdict in a criminal case would not be set aside if there was evidence to go to the jury, and the judge would not express any opinion upon it if there was evidence to go to the jury, if their verdict could not be declared wrong. I have carefully read the evidence, and it appears to me that the jury could not reasonably have come to any other conclusion than the verdict of guilty; there is not only evidence to support the verdict, but it vastly preponderates.

It is said the prisoner labored under the insane delusion that he was a prophet, and that he had a mission to fulfil. When did this mania first seize him, or when did it manifest itself? Shortly before he came to Saskatchewan he had been teaching school in Montana. It was not this mania that impelled him to commence the work which ended in the charge at Batoche. He was invited by a deputation, who went for him to Montana. The original idea was not his—did not originate with him. It is argued, however, that his demeanor changed in March, just before the outbreak. Before then he had been holding meetings, addressing audiences, and acting as a sane person. His correspondence with General (now Sir Frederick) Middleton betokens no signs of either weakness of intellect or of delusions, taking the definitions of this disease, as given by the experts. And how does his conduct comport therewith? The mania imagines his delusions real, they are fixed and determinate, the bare contradiction causes irritability.

The first witness called by the prisoner, the Rev. Father Alexis André, in his cross-examination says as follows:—

Q. Will you please state what the prisoner asked of the Federal Government?—
A. I had two interviews with the prisoner on that subject.

Q. The prisoner claimed a certain indemnity from the Federal Government. Didn't he?—
A. When the prisoner made his claim, I was there with another gentleman, and I was present at the hearing.

he asked \$100,000. We thought that was exorbitant, and the prisoner said: "Wait a little, I will take at once \$35,000 cash."

Q. Is it not true the prisoner told you he himself was the half-breed question?—
A. He did not say so in express terms, but he conveyed that idea. He said: "If I am satisfied, the Half-breeds will be."

The witness continues: I must explain this. This objection was made to him, that even if the Government granted him the \$35,000, the half-breed question would remain the same; and he said, in answer to that: "If I am satisfied, the Half-breeds will be."

Q. Is it not a fact he told you he would even accept a less sum than the \$35,000?—
A. Yes: he said, "Use all the influence you can, you may not get all that, but get all you can, and if you get less, we will see."

This was the cross-examination of a witness called by the prisoner.

To General Middleton, after prisoner's arrest, he speaks of his desire to negotiate for a money consideration.

In my opinion, this shows he was willing and quite capable of parting with this supposed delusion, if he got the \$35,000.

A delusion must be fixed, acted upon, and believed in as real, overcome and dominate in the mind of the insane person. An insanity which can be put on or off at the will of the insane person, according to the medical testimony, is not insanity at all in the sense of mania.

Dr. Roy testified to his having been confined in the Beauport asylum at Quebec, from which he was discharged in January, 1878. His evidence was so unsatisfactory, the answer not readily given, and his account of prisoner's insanity was given with so much hesitation, that I think the jury were justified in not placing any great reliance upon it.

Dr. Clarke, of the Toronto asylum, as an expert, was not sufficiently positive to enable any one to form a definite opinion upon the question of the sanity of the prisoner.

Dr. Wallace, of the Hamilton asylum; Dr. Jukes, the medical officer, who attended the prisoner from his arrival at Regina; General Middleton, and Captain Young—these all failed to find insanity in his conduct or conversation. Neither could the Rev. Mr. Pitblado, who had a good opportunity of conversing with him.

In my opinion, the evidence against his insanity very greatly preponderates. Besides, it is not every degree of insanity or mania that will justify his being acquitted on that ground. The rule in that respect is most satisfactorily laid down in the *McNaghten* case 10 Cl. & Fin. 200. Notwithstanding the party accused did the act complained of with a view, under the influence of insane delusion, of redressing some supposed grievances or injury, or of producing some public benefit, he is nevertheless punishable according to the nature of the crime committed, if he knew at the time of committing such crime that he was acting contrary to law.

I think the evidence upon the question of insanity shows that the prisoner did know that he was acting illegally, and that he was responsible for his acts.

In my opinion, a new trial should be refused, and the conviction confirmed.

TAYLOR, J.—This is an appeal brought under the provisions of section 77 of the North-West Territories Act, 1880, Dom. Stat. 43 Vic., c. 25, by Louis Riel, from a judgment rendered against him at Regina, in the North-West Territories.

On the 20th day of July last the appellant was charged before Hugh Richardson, Esq., stipendiary magistrate, and Henry LeJeune, Esq., a justice of the peace, sitting as a court under the provisions of section 76 of the above mentioned statute, with the crime of treason. After a plea by the appellant to the jurisdiction of the court, and a demurrer to the sufficiency in law of the charge or indictment, had both been overruled, the appellant pleaded not guilty. The trial was then, upon his application, adjourned for these days to procure the attendance of witnesses on his behalf. On the 28th of July

the trial was proceeded with, and a large number of witnesses were called and examined. At the trial the appellant was defended by three gentlemen of high standing at the bar of the Province of Quebec. Judging from the arguments addressed to this court by two of these gentlemen on the present appeal, I have no hesitation in speaking of them as learned, able and zealous, fully competent to render to the appellant all the assistance in the power of counsel to afford him. On the 1st of August, the case having been left to the jury, they returned a verdict of guilty, and thereupon sentence of death was pronounced. From that he brings his appeal.

It was not urged before this court, as it was on the trial at Regina, that the appellant should have been sent for trial to the Province of Ontario, or to the Province of British Columbia, instead of his being brought to trial before a stipendiary magistrate and a justice of the peace in the North-West Territories.

This point not having been argued, it is unnecessary to consider whether the Imperial Acts 43 Geo. III., c. 138; 1 & 2 Geo. IV., c. 66, and 22 & 23 Vic. c. 26, are, or are not now in force. Only a passing allusion was made to them by counsel. The first of them was repealed by the Statute Law Revision Act, 1872 (35 & 36 Vic. c. 63), and part of the second was repealed by the Statute Law Revision Act, 1874 (37 & 38 Vic. c. 35). At all events, the Imperial Government has never, under the authority of these, appointed in the North-West Territories justices of the peace, nor established courts, while under other statutes hereafter referred to, wholly different provision has been made for dealing with crime in those Territories, so that they must be treated as obsolete if not repealed.

It was contended by the appellant's counsel that the Imperial statutes relating to treason, the 25 Edw. III., c. 2; 7 Wm. III., c. 3; 36 Geo. III., c. 7, and 57 Geo. III., c. 6, which define what is treason, and provide the mode in which it is to be tried, including the qualification of jurors, their number, and the method of choosing them, are in force in the North-West Territories. And it was argued, that in legislating for the North-West Territories, the people of which are not represented in the Dominion Parliament, that Parliament exercises only a delegated power, which must be strictly construed, and cannot be exercised to deprive the people there of rights secured to them as British subjects by Magna Charta, or in any way alter these old statutes to their prejudice. Now of this argument against any change being made in rights and privileges secured by old charters and statutes, a great deal too much may be made.

That these rights and privileges, wrested by the people from tyrannical Sovereigns many centuries ago, were and are valuable, there can be no question. Were the Sovereign at the present day endeavouring to deprive the people of any of these, for the purposes of oppression, it would speedily be found that the love of liberty is as strong in the hearts of British subjects to-day as it was in the hearts of their forefathers, and they would do their utmost to uphold and defend rights and privileges purchased by the blood of their ancestors. But it is a very different thing when the legislature, composed of representatives of the people, chosen by them to express their will, deem it expedient to make a change in the law, even though that change may be the surrender of some of these old rights and privileges.

That the Dominion Parliament represents the people of the North-West Territories cannot, I think, be successfully disputed. It may be, that the inhabitants of these Territories are not represented in parliament by members sitting there chosen directly by them, but these Territories form part of the Dominion of Canada, the people in them are citizens of Canada, not, as it was put by counsel, neighbours, just in the same way as all the people of this Dominion are part and parcel of the great British Empire. The people of these Territories are represented by the Dominion Parliament, just as the inhabitants of all the colonies are represented by the House of Commons of England. Legislation for these Territories by the Dominion Parliament, must indeed precede their being directly represented there. Before they can be so, the number of representatives they are to have, the qualification of electors, and other matters must be provided for by the Dominion Parliament itself or by Local Legislatures created by that Parliament.

The question then is, what powers of legislation with reference to the North-West Territories have been conferred upon the Dominion Parliament by Imperial authority.

In the exercise of that authority, whatever it may be, it is not exercising a delegated authority.

To found an argument as to Parliament exercising a delegated authority, upon the language used by American writers, or upon judicial decisions in the United States, appears to me to be wholly fallacious. In the States of the American Union the theory is, that the sovereign power is vested in the people, and they, by the Constitution of the State, establishing a legislature, delegate to that body certain powers, a limited portion of the sovereign power which is vested in the people. The people, however, still retain certain common law rights, the authority to deal with which they have not delegated to the legislative body. Hence the language used by Bronson, J., in *Taylor vs. Porter*, 4 Hill, at p. 144.—“Under our form of government the legislature is not supreme. It is only one of the organs of that absolute sovereignty which resides in the whole body of the people. Like other departments of the government it can only exercise such powers as have been delegated to it.” It is in the light of this theory that the language of Mr. Justice Story in *Wilkinson vs. Leland*, 2 Peters, 627, must be read and by which it must be construed. The case of the British Parliament is quite different, “in which,” as Blackstone says (*Blackstone*, Christian's Ed., Vol. I., p. 147, “the legislative power and (of course) the supreme and absolute authority of the State, is vested by our constitution.” And again, at p. 160, he says, “It hath sovereign and uncontrollable authority in the making, conferring, enlarging, restraining, abrogating, repealing, revising and expounding of laws, concerning matters of all possible denominations * * * * this being the place where that absolute despotic power which must in all governments reside somewhere, is entrusted by the constitution of these kingdoms.”

To the extent of the powers conferred upon it, the Dominion Parliament exercises not delegated but plenary powers of legislation, though it cannot do anything beyond the limits which circumscribe these powers. When acting within them, as was said by Lord Selborne in *The Queen vs. Burah*, L. R. 3 App. Ca., at p. 904, speaking of the Indian Council, it is not in any sense an agent or delegate of the Imperial Parliament, but has, and was intended to have, plenary powers of legislation, as large, and of the same nature as those of that Parliament itself. That the Dominion Parliament has plenary powers of legislation in respect of all matters entrusted to it was held by the Supreme Court in *Valin vs. Langlois*, 3 Sup. C. R. 1, and *City of Fredericton vs. The Queen*, 3 Sup. C. R. 505. So also, the judicial committee of the Privy Council have held, in *Hodge vs. The Queen*, L. R. 9 App. Ca. 117, that the local legislatures when legislating upon matters within section 92 of the British North America Act, possess authority as plenary and as ample, within the limits prescribed by that section, as the Imperial Parliament in the plenitude of its power possessed and could bestow.

The power of the Dominion Parliament to legislate for the North-West Territories seems to me to be derived in this wise, and to extend thus far. By section 146 of the British North America Act it was provided, that it should be lawful for Her Majesty, with the advice of Her Privy Council, “on address from the Houses of the Parliament of Canada, to admit Rupert's Land and the North Western Territory, or either of them, into the Union, on such terms and conditions in each case as are in the addresses expressed, and as the Queen thinks fit to approve, subject to the provisions of this Act; and the provisions of any Order in Council in that behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.”

In 1867, the Dominion Parliament presented an address praying that Her Majesty would be pleased to unite Rupert's Land and the North Western Territory with the Dominion, and to grant to the Parliament of Canada authority to legislate for their future welfare and good government. The address also stated, that in the event of Her Majesty's Government agreeing to transfer to Canada the jurisdiction and control over the said region, the Government and Parliament of Canada would be ready to provide that the legal rights of any corporation, company or individual within the same should be respected and placed under the protection of courts of competent jurisdiction.

The following year, 1868, the Rupert's Land Act, 31 and 32 Vic., c. 105, was passed by the Imperial Parliament. For the purposes of the Act the term Ruperts,

Land is declared to include the whole of the lands and territories held, or claimed to be held, by the Governor and Company of Adventurers of England trading into Hudson's Bay. The Act then provides for a surrender by the Hudson's Bay Company to Her Majesty of all their lands, rights, privileges, etc., within Rupert's Land, and provides that the surrender shall be null and void unless within a month after its acceptance Her Majesty shall, by order in Council, under the provisions of section 146 of the British North America Act, admit Rupert's Land into the Dominion. The fifth section provides that it shall be competent for Her Majesty, by any Order in Council, to declare that Rupert's Land shall be admitted into and become part of the Dominion of Canada; “and thereupon it shall be lawful for the Parliament of Canada, from the date aforesaid, to make, ordain, and establish within the land and territory so admitted as aforesaid, institutions, and ordinances, and to constitute such courts and officers as may be necessary for the peace, order, and good government of Her Majesty's subjects and others therein.”

In 1869, a second address was presented, embodying certain resolutions and terms of agreement come to between Canada and the Hudson's Bay Company, and praying that Her Majesty would be pleased to unite Rupert's Land on the terms and conditions expressed in the foregoing resolutions, and also to unite the North-Western Territory with the Dominion of Canada, as prayed for, by and on the terms and conditions contained in the first address.

The same year the Dominion Parliament passed an Act, 32 & 33 Vic. c. 3, for the temporary government of Rupert's Land and the North-Western Territory, when united with Canada, which was to continue in force until the end of the next session of Parliament.

The following year, 1870, another Act was passed, 33 Vic., c. 3, which amended and continued the former Act, and which formed out of the North-West Territory this Province of Manitoba. The last section of this act re-enacted, extended, and continued in force the 32 & 33 Vic. c. 3 until the 1st day of January, 1871, and until the end of the session of Parliament then next ensuing.

On the 23rd of June, 1870, Her Majesty by Order in Council, after reciting the addresses presented by the Parliament of Canada, ordered and declared “that from and after the 15th day of July, 1870, the North-Western Territory shall be admitted into, and become part of, the Dominion of Canada, upon the terms and conditions set forth in the first hereinbefore recited address, and that the Parliament of Canada shall, from the day aforesaid, have full power and authority to legislate for the future welfare and good government of the said territory.”

By virtue of that Order in Council and of the 31 & 32 Vic. c. 105, it seems to me, that on the 15th of July, 1870, the Parliament of Canada became entitled to legislate and to make, ordain and establish within the North-West Territories all such laws, institutions, and ordinances, civil and criminal, and to establish such courts, civil and criminal, as might be necessary for peace, order, and good government therein. The language used is even wider than is used in the 91st section of the British North America Act, which defines the legislative authority of the Parliament of Canada, extending by section 27 to the criminal law; while there is not as there the restrictions, “except the constitution of courts of criminal jurisdiction,” but on the contrary express authority to constitute courts without any limitation.

That by that Order in Council and Act the authority thereby given extends over that part of the North-West Territory where the events occurred out of which the charge against the appellant arose, there can be no doubt. By the terms of the agreement between Canada and the Hudson's Bay Company, the latter were to retain certain lands, and in a schedule annexed to the Order in Council the exact localities are mentioned. In the Saskatchewan District the names Edmonton, Fort Pitt, Carlton House, and other places appear.

It is true that in 1871, another Act was passed by the Imperial Parliament, the 34 & 35 Vic. c. 28, spoken of by Mr. Fitzpatrick as “The Doubts-Removing Act,” but I cannot come to the conclusion which he seeks to draw from that fact, and from its con-

firming two Acts of the Canadian Parliament, that the former Act, 31 & 32 Vic. c. 105, did not give the Dominion Parliament full power to legislate for the North-West Territory. The former Act provided for the admission of Rupert's Land and the North-Western Territory into the Dominion, but was silent as to the division of the Territory so admitted, into Provinces, or as to their representation in parliament. That it was doubts on these matters which the Act was intended to remove is shown by the preamble. It is in these words, "Whereas doubts have been entertained respecting the powers of the Parliament of Canada to establish provinces in Territories admitted, or which may hereafter be admitted into the Dominion of Canada, and to provide for the representation of such provinces in the said Parliament; and it is expedient to remove such doubts and to vest such powers in the said Parliament." The second and third sections then provide for the establishment of provinces, for, in certain cases, the alteration of their limits, and for their representation in Parliament. The fourth section, in general terms, says, "the Parliament of Canada may from time to time make provision for the administration, peace, order, and good government, of any territory, not for the time being included in any province;" a power which Parliament already had in the most ample manner. Then follows a confirmation of the Canadian Acts 32 & 33 Vic. c. 3, and 33 Vic. c. 3. That the Act should contain such a confirmation is easily accounted for. The Imperial Act 31 & 32 Vic. c. 105, s. 5, provided that it should be competent for Her Majesty, by Order in Council, "to declare that Rupert's Land shall, from a date to be therein mentioned, be admitted," &c., and "thereupon it shall be lawful for the Parliament of Canada, from the date aforesaid," to make laws, &c.

The Order in Council was made on the 23rd of June, 1870, and the date therein mentioned was the 15th of July, 1870. Now, a reference to the two Canadian Acts shows, that the 32nd and 33rd Vic. c. 3, was assented to on the 22nd of June, 1869, and the 33rd Vic. c. 3, on the 12th of May, 1870. So, in fact, they were both passed before the time arrived at which the Parliament of Canada had the right to legislate respecting the North-West. But they had been acted upon, and the Province of Manitoba actually organized, therefore they were confirmed and declared valid from the date at which they received the assent of the Governor General.

Acting under the authority given in the most ample manner by these Acts of the Imperial Parliament, and, as it seems to me, in the exercise not of a delegated authority, but of plenary powers of legislation, the Dominion Parliament enacted the North-West Territories Act, 1880 (43 Vic., c. 25) which provides, among other things, for the trial of offences committed in these Territories in the manner there pointed out.

The appointment of stipendiary magistrates, who must be barristers-at-law or advocates of five years' standing, is provided for by the 74th section.

By the 76th section, each stipendiary magistrate shall have power to hear and determine any charge against any person for any criminal offence alleged to have been committed within certain specified territorial limits. These words are quite wide enough to include the crime of treason. The various sub-sections of section 76 provide for the mode of trial in certain classes of offences. Those specified in the first four sub-sections are to be tried by the stipendiary magistrate in a summary way without the intervention of a jury. Then the 5th sub-section says, "In all other criminal cases the stipendiary magistrate and a justice of the peace, with the intervention of a jury of six, may try any charge against any person or persons for any crime." Again the words are quite wide enough to cover the crime of treason.

Counsel for the appellant contended that from the word treason being used in the 10th sub-section, and no where else in the Act, it must be inferred that the Act did not intend to deal with the crime of treason, except in the matter of challenging jurors, which is dealt with in that sub-section. The suggestion made by Mr. Robinson is, however, the more reasonable one, namely, that treason is there named advisedly, to put beyond doubt, there being only 36 jurors summoned, that a prisoner charged with that particular crime should not be entitled to exercise the old common law right, which a prisoner charged with treason had, of challenging, peremptorily and without cause, thirty-five jurors.

The question must next be considered, whether the proceedings against the appellant have been conducted according to the requirements of this Act.

The record before the Court shows that the trial took place before a stipendiary magistrate and a justice of the peace, with a jury of six selected and sworn after the appellant had exercised his right of challenging several jurors.

Two objections to the regularity of the proceedings are, however, raised. The first of these is, that the information upon which the appellant was charged was exhibited before the stipendiary magistrate alone, and not before the stipendiary magistrate and a justice of the peace. An inspection of the document shows the fact to be so. But is it necessary that the information should be exhibited before both?

The powers and jurisdiction of stipendiary magistrates are set out in section 76 of the North-West Territories Act, 1880.

The first part of the section says, each stipendiary magistrate "shall have the magisterial and other functions appertaining to any justice of the peace, or any two justices of the peace, under any laws or ordinances which may from time to time be in force in the North-West Territories." That is a distinct proposition. By the schedule annexed to the Act one of the laws in force there is the 32 & 33 Vic., c. 30. Under the 1st section of that Act it is clear that a charge or complaint that any person has committed, or is suspected to have committed treason, may be exhibited before one justice of the peace, and a warrant for his apprehension issued by such justice.

Section 76 then goes on further, that each stipendiary magistrate "shall also have power to hear and determine any charge against any person for any criminal offence," &c. In all other criminal cases than those specified in the first four sub-sections he and a justice of the peace, with the intervention of a jury of six, may try the charge. It is only when the charge comes to be tried that the presence of a justice of the peace along with him is necessary. To hold that the words "try any charge" include the exhibiting of information, or that it must be so, before both a stipendiary magistrate and a justice of the peace, seems to me to involve the holding also, that for the purpose of exhibiting the information there is also necessary the intervention of a jury of six. Now the jury cannot be called into existence until the charge has been made, the accused arraigned upon it, and he has pleaded to it.

The case of *Reg. vs. Russell*, 13 Q. B. 237, was cited in support of this objection, but, as I read that case, it is a direct authority against it. An information was exhibited under the Act for the General Regulation of the Customs, before a single justice, and was dismissed by the justices before whom the charge was brought for trial, on the ground that it should have been exhibited before two justices, in conformity with section 82 of the Act for the Prevention of Smuggling. That section provided that all penalties and forfeitures incurred or imposed by any Act relating to the customs should and might be "sued for, prosecuted, and recovered by action of debt, bill, plaint, or information in any of Her Majesty's Courts of Record," &c., "or by information before any two or more of Her Majesty's Justices of the Peace," &c. A rule calling on the justices to show cause why a mandamus should not issue commanding them to proceed to adjudicate upon the information, was obtained. Upon the return of the rule, counsel for the justices contended, that the provision that the penalty may be "sued for," by information, must refer to the commencement of the proceeding, in like manner as, in the provision that it may be "sued for" by action. But the Court made the rule for a mandamus absolute, Lord Denman, C. J., who delivered the judgment of the court, saying, "The 82nd section of the Act does not necessarily mean that the information must be laid before two justices, but only that it must be heard before two justices."

The next objection is, that at the trial full notes of the evidence and proceedings thereat, in writing, were not taken, as required by the statute, section 76, sub-section 7. What was actually done, as it is admitted on both sides, was, that the evidence and a record of the proceedings were taken down at the time by stenographers appointed by the magistrate, and they afterwards extended their notes.

The objection cannot be, that the magistrate did not himself take notes of the

evidence and proceedings, for the statute says he shall "take, or cause to be taken," full notes, &c. It must be that the notes were taken by stenographic signs or symbols.

No doubt, enactments regulating the procedure in courts seem usually to be imperative, and not merely directory. *Maxwell on Statutes*, 456; *Taylor vs. Taylor*, L. R. 1 Ch. Div. at p. 431. But the force of the objection depends upon what is meant by the word "writing." In proceeding to consider it, I am not conscious of being in any way prejudiced, from the circumstance that I am myself a stenographer. The statute does not specify any method or form of writing, as that which is to be adopted. "Writing" is, in the Imperial Dictionary, said to be "The act or art of forming letters or characters, on paper, parchment, wood, stone, the inner bark of certain trees, or other material, for the purpose of recording the ideas which characters and words express, or of communicating them to others by visible signs." In the same work, "to write," is defined thus, "To produce, form or make by tracing, legible characters expressive of ideas." Is not stenographic writing the production of "legible characters expressive of ideas"? The word is formed from two Greek words, "steno" and "grapho," and means simply "close writing." If the objection is a good one, it must go the length of insisting that the notes must be taken down in ordinary English characters, in words at full length. If any contractions or abbreviations were made, the objection would have quite as much force as it has to the method adopted in this case.

Re Stanbro, 1 Man. L. R. 325, was an entirely different case. It was one under the Extradition Act, and the evidence was taken in short hand, as is usual on a trial. The Court held, that the reporter's notes extended, which were produced before it, on the argument on the return of a writ of *habeas corpus* obtained by the prisoner, could not be looked at, and that there was really no evidence. But the Court so held, because the provisions of the 32nd & 33rd Vic. c. 30, s. 39, were applicable to the mode in which the evidence should be taken in extradition proceedings. That section requires the depositions to be put in writing, read over to the witness, signed by him, and also signed by the justice taking the same. The depositions in the case in question had not been read over to the witnesses, nor signed by them; nor were they signed by the judge who took them, so that clearly the requirements of the Act had not been complied with.

In addition to the objections already dealt with, it was argued that the appellant is entitled to a new trial, on the ground that the evidence adduced proved his insanity, and that the jury should have so found, and therefore rendered a verdict of not guilty.

The section of the statute which gives an appeal, says, in general terms, that any person convicted may appeal, without saying upon what grounds; so there can be no doubt the one thus taken is open to the appellant. The question, however, arises. How should the Court deal with an appeal upon matters of evidence? We have no precedents in our own court, but the decisions in Ontario during the time when the Act respecting new trials and appeals, and writs of error in criminal cases, in Upper Canada (Con. Stat. U. C. c. 113) was in force there, may be referred to as guides. By the first section of that Act, any person convicted of any treason, felony, or misdemeanour, might apply for a new trial upon any point of law, or question of fact, in as ample a manner as in a civil action.

The decisions under the Act are uniform and consistent, and a few of them may be referred to.

The earliest case upon the point, and perhaps the leading case, is *Reg. vs. Chubbs*, 14 U. C. C. P. 32, in which the prisoner had been convicted of a capital offence. In giving judgment, Wilson, J., said: "In passing the Act, giving the right to the accused to move for, and the Court to grant, a new trial, I do not see that it was intended to give courts the power to say that a verdict is wrong, because the jury arrived at conclusions which there was evidence to warrant; although from the same state of facts, other and different conclusions might fairly have been drawn, and a contrary verdict honestly given." Richards, C. J., before whom the case had been tried, said: "If I had been on the jury, I do not think I should have arrived at the same conclusions, but as the law casts upon them the responsibility of deciding how far they will give credit to the wit-

nesses brought before them, I do not think we are justified in reversing their decision, unless we can be certain that it is wrong."

In *Reg. vs. Greenwood*, 23 U. C. Q. B. 255, a case in which the prisoner had been convicted of murder, Hagarty, J., said: "I consider that I discharge my duty as a judge before whom it is sought to obtain a new trial on the ground of the alleged weakness of the evidence, or of its weight in either scale, in declaring my opinion that there was evidence proper to be submitted to the jury; that a number of material facts and circumstances were alleged properly before them—links as it were in a chain of circumstantial evidence—which it was their especial duty and province to examine carefully, to test their weight and adaptability each to the other * * * * To adopt any other view of the law, would be simply to transfer the conclusion of every prisoner's guilt or innocence from the jury to the judges."

Reg. vs. Hamilton, 16 U. C. C. P. 340, was also a case in which the prisoner had been convicted of murder. Richards, C. J., who delivered the judgment of the court, said: "We are not justified in setting aside the verdict, unless we can say the jury were wrong in the conclusion they have arrived at. It is not sufficient that we would not have pronounced the same verdict; before we interfere we must be satisfied they have arrived at an erroneous conclusion." So, in *Reg. vs. Seddons*, 16 U. C. C. P. 389, it was said: "The verdict is not perverse, nor against law and evidence; and although it may be somewhat against the judge's charge, that is no reason for interfering, if there be evidence to sustain the finding, because the jury are to judge of the sufficiency and weight of the evidence."

In *Reg. vs. Slavin*, 17 U. C. C. P. 205, the law on the subject was thus stated: "We do not profess to have scanned the evidence with the view of saying whether the jury might or might not, fairly considering it, have rendered a verdict of acquittal. We have already declared on several occasions that this is not our province under the statute. It is sufficient for us to say that there was evidence which warranted their finding."

The learned counsel for the appellant have argued with great force and ability that the overwhelming weight of the evidence is to establish his insanity. Under the authorities cited, all that my duty requires me to do is to see if there is any evidence to support the finding of the jury, which implies the appellant's sanity. I have, however, read carefully the evidence, not merely that of the experts, and what bears specially upon this point, but the general evidence. It seemed to me proper to do so, because it is only after acquiring a knowledge of the appellant's conduct and actions throughout, that the value of the expert evidence can be properly estimated.

After a critical examination of the evidence, I find it impossible to come to any other conclusion than that at which the jury arrived. The appellant is, beyond all doubt, a man of inordinate vanity, excitable, irritable and impatient of contradiction. He seems to have at times acted in an extraordinary manner; to have said many strange things, and to have entertained, or at least professed to entertain, absurd views on religious and political subjects. But it all stops far short of establishing such unsoundness of mind as would render him irresponsible, not accountable for his actions. His course of conduct indeed shows, in many ways, that the whole of his apparently extraordinary conduct, his claims to divine inspiration, and the prophetic character, was only part of a cunningly devised scheme to gain, and hold, influence and power over the simple minded people around him, and to secure personal immunity in the event of his ever being called to account for his actions. He seems to have had in view, while professing to champion the interests of the Métis, the securing of pecuniary advantage for himself. This is evident from, among other circumstances, the conversation detailed by the Rev. Mr. André. That gentleman, after he had spoken of the appellant claiming that he should receive from the Government \$100,000, but would be willing to take at once \$35,000 cash, was asked: "Is it not true that the prisoner told you that he himself was the half-breed question." His reply is, "He did not say so in express terms, but he conveyed that idea. He said, if I am satisfied, the Half-breeds will be. I must explain this. This objection was made to him, that even if the Government granted him \$35,000, the half-

breed question would remain the same, and he said in answer to that, if I am satisfied, the Half-breeds will be."

He also says that the priests met and put the question: "Is it possible to allow Riel to continue in his religious duties, and they unanimously decided that on this question he was not responsible—that he was completely a fool on this question—that he could not suffer any contradiction. On the questions of religion and politics we considered that he was completely a fool." There is nothing in all that which would justify the conclusion that the man so spoken of was not responsible in the eye of the law for his actions. Many people are impatient of contradiction, or of authority being exercised over them, yet they cannot on that account secure protection from the consequences of their acts as being of unsound mind.

The Rev. Mr. Fourmond, who was one of the clergy who met for the purpose spoken of by the Rev. Mr. André, shows that the conclusion they came to, was come to, because they thought it the more charitable one. Rather than say he was a great criminal, they would say he was insane. The views the appellant professed respecting the Trinity, the Holy Spirit, the Virgin Mary, the authority of the clergy, and other matters were what shocked these gentlemen. But heresy is not insanity, at least in the legal and medical sense of the term.

The most positive evidence as to insanity is given by Mr. Roy, the medical superintendent of Beauport asylum, in which appellant resided for nineteen months about ten years ago. But his evidence is given in such an unsatisfactory way, so vaguely, and with such an evident effort to avoid answering plain and direct questions, as to render it to my mind exceedingly unreliable. The other medical witness who speaks to his insanity is Dr. Clark, of the Toronto asylum. He says: "The prisoner is certainly of insane mind," but he qualifies that opinion by prefacing it with the statement, "assuming that he was not a malingerer." And even he says: "I think he was quite capable of distinguishing right from wrong." Against the evidence of these gentlemen there is that of Dr. Wallace, of the Hamilton asylum, and Dr. Jukes, the senior surgeon of the mounted police force, both of whom are quite positive in giving opinions of the appellant's sanity.

It was contended that the very fact that he, a man who had seen the world, could ever hope to succeed in a rebellion, and contend successfully with the force of the Dominion, backed as that would be, in case of need, by all the power of England, was in itself conclusive proof of insanity. But the evidence of several witnesses, specially of Captain Young, shows that he never had any idea of entering seriously into such a contest. The appellant told that witness that he was not so foolish as to imagine that he could wage war against Canada and Britain. His plan, as he detailed it, was to try and capture at Duck Lake, Major Crozier and his force of police, and then, holding them as hostages, compel the government to accede to his demands. What these were he had already told the Rev. Mr. André—\$100,000, or in cash \$35,000, and if he could not get even that, then as much as he could. Having failed to capture Major Crozier, he hoped to draw into a snare General Middleton and a small force, in order to hold them as hostages for a like purpose. The fighting which actually took place was not the means by which he had hoped to secure his ends. The Rev. Mr. Pitblado gives evidence similar to that of Captain Young.

Certainly the evidence entirely fails to relieve the appellant from responsibility for his conduct, if the rule laid down by the judges in reply to a question put to them by the House of Lords, in *MacNaghten's Case*, 10 Cl. & Fin. 200, be the sound one. That rule was thus expressed: "Notwithstanding the party accused did the act complained of, with a view, under the influence of insane delusion, of redressing or revenging some supposed grievance or injury, or of producing some public benefit, he is nevertheless punishable, according to the nature of the crime committed, if he knew at the time of committing such crime that he was acting contrary to law; by which expression we mean, the law of the land." This has, I believe, ever since it was laid down, been regarded as the sound and correct rule of law on this subject.

In my judgment a new trial must be refused, and the conviction affirmed.

KILLAM, J.—I concur fully in the conclusions of my brother-judges and in the reasons supporting the same, with the exception, perhaps, of holding somewhat different opinions from some of those expressed by the Chief Justice as to the effect of the subsection of the 76th section of the North-West Territories Act, requiring full notes of the evidence to be taken upon the trial, and as to the form of the charge in question. Were it not for the importance of the case, and that a mere formal concurrence in the judgments of the other members of the Court might appear to arise to some extent from some disinclination to consider fully and to discuss the important questions that have been raised, I should rather have felt inclined to say merely that I agree with the opinions which those judgments express.

What I shall add has been written after having had a general idea of the views of my brother-judges, but principally before I had an opportunity of perusing the full expression of their views, and with a desire to present some views upon which they might not touch, rather than with the idea that their opinions required to be differently expressed.

I need not recapitulate the facts of the case or the proceedings taken, and I will refer to the statutes less fully than if I were delivering the sole judgment of the Court.

The prisoner first pleaded to the jurisdiction of the Court before which he was arraigned, and to this plea counsel for the Crown demurred. The decision of the Court allowing the demurrer forms one of the grounds of this appeal. The judgment on this demurrer appears to have been based upon the decision of this Court in Easter Term last, in the case of *Regina v. Connor*, in which the prisoner appealed against a conviction for murder by a court constituted exactly as in the present instance. I was not present upon the hearing of the appeal in that case, and judge of the points raised only from the report in the MANITOBA LAW REPORTS. From that report it does not appear that the jurisdiction of the Court was so much objected to as the mode in which the prisoner was charged with the offence, it being contended that he should be tried only upon an indictment found by a grand jury, or a charge made upon a coroner's inquest. It seems, notwithstanding that decision, still to be open to the prisoner to question the power of Parliament to establish the Court for the trial of the offence charged against him. I mean that the point is not yet *res judicata* so far as this Court is concerned. Even if it were so, in the event of any new argument of importance being adduced by the present or any other appellant, it would be quite competent for this Court, though not for the Court below, to reconsider the decision.

The authority of the Parliament of Canada to institute such a Court, and particularly to do so for the trial of a person upon a charge of high treason, is now denied; and it is also contended for the prisoner that the statute was not intended to provide for the trial of a charge of that nature. It has been argued that the powers of the Canadian Parliament are delegated to it by the Imperial Parliament, and that they must be considered to have been given subject to the rights guaranteed to British subjects by the Common Law of England, Magna Charta, the Bills of Rights, and many statutes enacted by the Imperial Parliament, among which rights are claimed to be the right of a party accused of crime to a trial by a jury of twelve of his peers, who must all agree in their verdict before he can be convicted, and the right of a party accused of high treason to certain safeguards provided in connection with the procedure upon his trial. It is also argued that high treason is a crime *sui generis*; that it is an offence against the sovereign authority of the state; and that it must be presumed, notwithstanding the provisions of the British North America Acts and the other Acts giving the Parliament of Canada authority in the North-West Territories, that the Imperial Parliament still reserved the right to make laws respecting high treason and the mode of trial for that offence; and also that the provisions of the Act 43 Vic. c. 25, s. 76, are inconsistent with enactments of the Imperial Parliament, and therefore inoperative. There can be no doubt that the Imperial Parliament has full power to legislate away any of the rights claimed within Great Britain and Ireland. Its position is not in any way analogous to that of the Legislatures, either State or Federal, under the Constitution of the United States, and the American authorities cited by counsel for the prisoner can have no application.

There is no power under the British Constitution to question the authority of Parliament. It may yet have to be considered whether it has so effectually given up its powers of legislation in regard to the internal affairs of Canada, by the British North America Act and some other statutes, that it cannot resume them; whether, in case of a conflict between the Parliament of Canada and the Imperial Parliament, the Courts of Canada are bound by the enactments of the one or the other; but these are questions which need not now be decided. It is true that the Parliament of Canada is the creature of statute, and that its powers cannot be greater than the statutes expressly or impliedly bestow upon it, but there has been no attempt by the Imperial Parliament to take away or to encroach upon the powers given to the Parliament of Canada, and we have nothing to do at present with speculations upon the effect of such an attempt. The British North America Act, 1867, begins with the recital that the Provinces of Canada, Nova Scotia and New-Brunswick "have expressed their desire to be federally united into one Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a constitution similar in principle to that of the United Kingdom." By section 9 the executive government and authority of and over Canada are declared to be vested in the Queen. Under section 17 there is "one Parliament" for Canada, consisting of the Queen, an Upper House—styled the Senate—and the House of Commons. By section 18 the privileges, immunities and powers of the Senate and House of Commons are to be such as are from time to time defined by the Parliament, but so as not to exceed those of the British House of Commons at the passing of the Act.

It thus appears that the Parliament of Canada is not, within its legislative powers, placed in an inferior position to that of Britain. The Sovereign forms an integral part of the Canadian as of the British Parliament, the Executive authority is vested in the Queen. So far as relates to her internal affairs, Canada stands in a position of equal dignity and importance with the United Kingdom, and, except in so far as the action of the Sovereign may be indirectly controlled by the Imperial Parliament, Canada stands in this respect rather in the position of a sister kingdom than in that of a dependency.

It is principally by the 91st section that the legislative authority of the Canadian Parliament is defined; and under this section it can "make laws for the peace, order and good government of Canada," in relation to all matters not coming within the classes of subjects assigned exclusively to the Legislatures of the Provinces. By a portion of section 146 provision is made for the admission by Order in Council of Rupert's Land and the North-West Territories upon addresses from the Canadian Houses of Parliament, and under this provision and under the Rupert's Land Act, 31 and 32 Vic. c. 105, and the British North America Act, 1871, 34 and 35 Vic. c. 28, the North-West Territories have been added to the Dominion. By these two latter Acts the jurisdiction and powers of the Parliament of Canada are enlarged, both as to the territory over which they may be exercised and the subjects upon which laws may be enacted. There are no Provincial Legislatures (except in Manitoba) to share in the legislation, and there is no qualification of or exception from the power of legislation upon all matters and subjects relating to the "peace, order and good government" of Her Majesty's subjects and others in these added territories. Over these territories and with the addition of these subjects of legislation the Parliament of Canada is in the same position as it was over the Dominion when first formed, and in respect of the subjects of legislation committed to it by the British North America Act, 1867.

The American theory of constitutional government is, that the legislatures are composed of delegates from the people, and that certain rights and powers only are committed to them, and that the people have retained to themselves certain rights necessary to the free enjoyment of life and liberty which the legislatures have been given no power to interfere with, and it is now attempted to apply the term "delegated" to the bestowal by the Imperial upon the Dominion Parliament of the powers of legislation conferred by the Confederation and other Acts, and in this way to introduce the same theory into the consideration of our constitution. The principle of the British Constitution is, however, that the people of the State, the three estates of realm, composed of the Sovereign, the Lords and the Commons, are all assembled in Parliament, and that the enactments of

Parliament are those of the whole nation, and not of delegates from the people. From this necessarily follows the complete supremacy of Parliament, its power to legislate away the rights guaranteed by Magna Charta, the Bill of Rights, or any enactments of Parliament or charters of the Sovereign. As is said by Lord Campbell in *Logan vs. Murslem*, 4 Moore P. C. Cas. 296: "As to what has been said as to a law not being binding if it be contrary to reason, that can receive no countenance from any court of justice whatever. A court of justice cannot set itself above the legislature. It must suppose that what the legislature has enacted is reasonable, and all, therefore, that we can do is to try and find out what the legislature intended."

As this Dominion was intended to be formed "with a Constitution similar in principle to that of the United Kingdom," having a Parliament not of an inferior character, but of the dignity and importance to which I have referred, there can be doubt that, in this respect, it stands in the same position as the Imperial Parliament with regard to the subject matters upon which it may legislate. That this is so has been determined by judicial decision. Mr. Justice Willes, in *Phillips vs. Eyre*, L. R. 6 Q. B. 20, says: "A confirmed Act of the local Legislature, whether in a settled or conquered colony, has, as to matters within its competence and the limits of its jurisdiction, the operation and force of sovereign legislation, though subject to be controlled by the Imperial Parliament." In the *Godhue Will Case*, 19 Gr. 382, Draper, C. J., having reference to an Act of the Provincial Legislature of Ontario, says: "As in England it is a settled principle that the Legislature is the supreme power, so in this Province I apprehend that, within the limits mapped out by the authority which gave us our present constitution, the legislature is the supreme power." This view of the position of the Provincial Legislatures is upheld by the Privy Council in *Hodge vs. The Queen*, L. R. 9 App. Cas. 117. In *Falvin vs. Langlois*, 3 Sup. C. R. 1, Ritchie, C. J., says: "I think that the British North America Act vests in the Dominion Parliament plenary power of legislation, in no way limited or circumscribed, and as large and of the same nature and extent as the Parliament of Great Britain, by whom the power to legislate was conferred, itself had. The Parliament of Great Britain clearly intended to divest itself of all legislative power over this subject matter, and it is equally clear that what it divested itself of, it conferred wholly and exclusively upon the Parliament of the Dominion." And this doctrine of a delegation of powers, cannot be more aptly met than in the judgment of the Privy Council in *Regina vs. Burah*, L. R. 3 App. Cas. 889, referred to by my brother Taylor. The following remarks of Lord Selborne are so applicable that I must repeat them. He says (p. 904): "The Indian Legislature has powers expressly limited by the Act of the Imperial Parliament, which created it, and it can of course do nothing beyond the limits which circumscribe those powers. But when acting within those limits it is, not in any sense an agent or delegate of the Imperial Parliament, but has and was intended to have plenary powers of legislation, as large and of the same nature as those of Parliament itself."

I take it that the plenary powers of legislation conferred upon the Parliament of Canada include the right to alter or repeal prior Acts of the Imperial Parliament upon subjects upon which the Canadian Parliament is given power to legislate, so far as the internal government of Canada is concerned. The powers which the Imperial Parliament alone could formerly exercise upon these subjects in our North-West, whether by making laws entirely new, or by repeal or amendment of existing laws, our Parliament can now exercise. Nor do I think that the Imperial Act, 28 & 29 Vic. c. 13, is inconsistent with that view. Under section 2 of that Act, "Any Colonial law which is or shall be in any respect repugnant to the provisions of any Act of Parliament extending to the Colony to which such law may relate, or repugnant to any order or regulation made under authority of such Act of Parliament, or having in the Colony the force and effect of such Act, shall be read subject to such Act, Order or Regulation, and shall to the extent of such repugnancy, but not otherwise, be and remain absolutely void and inoperative." This is not in any sense an Act of Interpretation of Imperial Statutes, which is to be considered as part of and to be read with Acts of the Imperial Parliament, and if it is repugnant to the British North America Act, 1867, and if by the latter Act powers are given to the Parliament of Canada without the limitation imposed

by the former Act, the British North America Act, as being the later one, must prevail. But even without this view, I cannot think that the repugnancy referred to is such as would be involved by an amendment or repeal of an Act of the Imperial Parliament upon a subject upon which plenary powers of legislation were subsequently given to the Parliament of Canada. There could only be considered to be repugnancy within the meaning of the Act if it appeared by the Imperial Act that it was to remain in force notwithstanding any subsequent action of the colonial legislature, or if it were enacted after the plenary powers of legislation were granted, and were thus shown to be intended to override any Act which the colonial legislature had passed or might thereafter pass. It will be observed also that it is only an Act of Parliament "extending to the Colony" to which reference is made in the section cited; and by the first section of the Act, in construing the Act, "An Act of Parliament or any provision thereof" is only to be said to "extend to any colony when it is made applicable to the colony by the express words or necessary intendment of any Act of Parliament." And by section 3, "No Colonial law shall be deemed to have been void or inoperative on the ground of repugnancy to the law of England, unless the same shall be repugnant to the provisions of some such Act of Parliament, Order, or Regulation as aforesaid." Thus, it was evidently not the intention to exclude the colonial legislatures from making laws inconsistent with those which may have been enacted by the British Parliament for Britain or the United Kingdom particularly, and which may be in force in the colony solely by virtue of the principle that the British subjects settling therein carried with them the laws of Britain, or that by conquest the laws of Britain came in force. By the fifth section of this same Act, "Every colonial legislature shall have and be deemed at all times to have had full power within its jurisdiction to establish courts of judicature, and to abolish and reconstitute the same, and to alter the constitution thereof, and to make provision for the administration of justice therein." It must surely, then, not have been intended that such a legislature should be limited in its establishment of these courts, and in its regulation of the procedure therein, to courts constituted as those of England, and a procedure similar to that which Parliament has thought proper to establish for English courts, or to a jury system which can be traced back to the early ages of English history, or even to trial by jury at all.

Nor can I see any reason to suppose that it was not intended that the Parliament of Canada should not have power to legislate regarding the crime of treason in Canada. It certainly seems to be given when power is given to make laws for the peace, order and good government of Canada. Even jurisdiction to declare what shall be and what shall not be acts of treason, when committed within Canada, against the person of the Sovereign herself, might safely be committed to the Parliament of Canada when the Sovereign is a part of Parliament, and has also power of disallowance of Acts, even after they have been assented to in her name by the Governor General. The propriety or impropriety of providing for the selection of a jury by a stipendiary magistrate appointed by the Crown to hold office during pleasure, of reducing to so small a number the peremptory challenges, and other provisions relating to the constitution of the court and the mode of procedure to which objection has been made, is for Parliament and not for the Courts to decide. We can only decide whether Parliament has, as I think it clearly appears that it has, even without the Rupert's Land Act, full power to constitute courts and to determine their method of procedure. With the provision in the Rupert's Land Act, authorizing the Parliament of Canada "to constitute such courts and officers as may be necessary for the peace, order and good government of Her Majesty's subjects and others" in the North-West Territories, it does not appear that there can be any doubt that such courts are to be constituted with power to try a charge of high treason, as well as any other charge.

That the Canadian Parliament intended that the Court constituted under the North-West Territories Act of 1880, section 76, sub-sections 5 and following sub-sections, should have power to hear and try a charge of treason, there can be no doubt. After provision is made for the trial of certain charges in a summary way, without a jury, the provision in sub-section 5 is that "In all other criminal cases (which must include a case

high treason) the stipendiary magistrate and a justice of the peace, with the intervention of a jury of six, may try any charge against any person or persons for any crime" (which must include the crime of treason).

Sub-section 10 provides that "any person arraigned for treason or felony may challenge peremptorily and without cause not more than six jurors." It was remarked that this is the only mention of treason in the Act, but it was the only occasion for its being specially mentioned. In view of the peculiar right of challenge in a case of treason, under the laws of England, it was important to place it beyond doubt, by special mention, that in a case of treason as in any other case the number of peremptory challenges was to be limited to six. The wording of the sub-section may not be strictly correct, as not recognizing that treason is a felony, but the sub-section is not on that account of any less importance as showing the intention to give to the court jurisdiction over a charge of treason.

I cannot agree with the argument of counsel for the Crown, that an objection to the information is not open on this appeal, on account of the prisoner having pleaded to the charge. He demurred to the charge and his demurrer being overruled he was obliged to plead. There is no indictment, and I do not think that an objection to the charge need be by a formal demurrer. In fact, it appears that the proceedings may be of the most informal character. Under section 77, "a person convicted of an offence punishable by death" has a right of appeal to this court, which has jurisdiction "to confirm the conviction or to order a new trial." There can be no appeal until there has been a conviction, and I cannot see that the prisoner should be prevented from making any point that he may raise in any way before the court below the subject of appeal. If a new trial should in any case be granted on the ground of a defect in the charge, it would undoubtedly be allowed to the prisoner to withdraw his plea when he should be again brought up for trial, if this were considered necessary in order to give effect to the objection. Indeed, it appears to me that this would not be necessary, for I am of opinion that, upon a new trial, everything must be begun *de novo*, and the prisoner asked to plead again. There is no court continuing all the time before which he has pleaded; there must be a new court established for the trial of each charge, and the proceedings upon the first trial cannot be incorporated with those upon the second.

In my opinion, it is not necessary that a "charge," within the meaning of sub-section 5, should be made on oath before the court having the jurisdiction to try the charge. By section 76, the stipendiary magistrate is given the "magisterial and other functions of a justice of the peace," and power to "hear and determine any charge against any person" in the manner set out in the various sub-sections of the section. I take it that the "charge" referred to in the 5th sub-section is one laid before him by information, as before a justice of the peace, to procure the committal of a party for trial. The charge having been so made he has to summon the jury and procure the attendance of a justice of the peace, and before the court so constituted the charge is to be tried. This is what has been done in the present instance.

The remaining objection of law to the conviction is to the method of taking the notes of the evidence, I cannot agree in the view that the clause requiring full notes of the evidence and other proceedings to be taken upon the trial is directory merely. Whether the notes are to be taken merely for transmission to the minister of Justice, as required by the 8th sub-section, or with a view also to use upon the appeal allowed, it is equally important that they be taken. If it is only with a view to their transmission to the minister, as the 8th sub-section also provides for the postponement of the execution of a sentence of death until the pleasure of the Governor has been communicated to the Lieutenant Governor, it is an important part of the procedure at the trial that the notes of evidence be taken in order that the action of the Executive may be based upon the real facts proved; almost, if not quite, as important as that the evidence should be laid properly before the jury itself. I should not hesitate to adjudge illegal a conviction of a capital offence shown to have been obtained upon a trial so conducted that these facts could not be properly laid before the Executive by the notes of evidence, for which the statute provides, taken down during the progress of the trial.

It appears by the certificate of the magistrate that the only full notes of the evidence taken at the trial were taken by "short hand reporters" appointed by the magistrate. Although it is not so stated, I think that we may assume that these notes were taken in what is known as short hand. *Omnia presumuntur rite esse acta* is a maxim applicable as well in criminal as in civil matters, and if we cannot make such an assumption we must assume them to have been in the ordinary form of writing, or at least in such form of writing as would satisfy the statute. The statutory provision is, that "full notes" are to be taken "in writing." The very definitions of the words "writing," and "to write," are sufficient to show that the methods of recording language covered by the word "stenography," come within the term "writing." The very derivation of the word "stenography" shows it to mean a mode or modes of writing. "Stenography" is a generic term which embraces every system of short hand, whether based upon alphabetic, phonetic, or hieroglyphic principles. There are advantages and these advantages both in stenography and in ordinary writing for the purpose of reporting the evidence given orally in a court of justice. The magistrate is not obliged to take the notes himself; he is authorized by the statute to cause it to be done by another or others. It has not been the practice so far as I know, in any court in Canada to take down *verbatim* question and answer in ordinary writing, and that could not be presumed to be required. If it is not, but the notes are taken in narrative form, their accuracy depends largely on the ability of the reporter hurriedly to apprehend the effect of question and answer and throw them together so as properly to set down the idea of the witness. Any system by which question and answer are given *verbatim* is certainly more likely to be accurate than this method, notwithstanding the chances of error suggested by Mr. Ewart. The short hand system of the reporter may be something which himself alone can understand, it may be a system which is known to many, and it may be that his notes can be read by many. I think that we are not entitled to assume, for the purpose of holding the conviction illegal, that in the present instance it was a system understood by the reporter alone, even if that assumption should properly lead to that conclusion.

The use of short hand reporters in the courts had been in vogue for a considerable time in more than one of the Provinces when the North-West Territories Act of 1880 was passed; and when Parliament provided only for the taking of the notes "in writing," without any further limitation of such a general word, it may be well understood to have had in view a class or method of writing which was in such general use. I have felt the more satisfied in coming to this conclusion, as it has not been suggested that the prisoner has been put under any disadvantage by the system adopted for reporting the evidence and proceedings, or that the report of the evidence or proceedings is in any respect inaccurate.

The question of insanity is raised upon this appeal as a question of fact only. No objection has been made to the charge of the magistrate to the jury. The principles laid down by the courts of Upper Canada, under the Act which authorized the granting of new trials in criminal cases, and which have been referred to by my brother Taylor, appear to me to be those which should govern this court in hearing and determining appeals from convictions in the North-West Territories upon questions of fact, except that it is hardly accurate to say that the court will not undertake to determine on what side is the weight of evidence, but only if there is evidence to go to the jury. This hardly applies in a case like the present. The presumption of law is that the prisoner is, and was, sane. The burden of proof of insanity is upon the defence. *McNaghten's case*, 10 Cl. & Fin. 204; *Regina v. Stokes*, 3 C. & K. 185; *Regina v. Layton*, 4 Cox C. C. 149. Without evidence to go to the jury, the prisoner cannot be acquitted upon the plea of insanity. If there is in such a case to be any appeal after a conviction, it must be on the ground that the evidence is so overwhelming in favor of the insanity of the prisoner that the court will feel that there has been a miscarriage of justice—that a poor, deluded, irresponsible being has been adjudged guilty of that of which he could not be guilty if he were deprived of the power to reason upon the act complained of, to determine by reason if it was right or wrong.

Certainly, a new trial should not be granted if the evidence were such that the jury

could reasonably convict or acquit. Mr. Lemieux laid great stress upon the fact that the jury accompanied their verdict with a recommendation to mercy, as showing that they thought the prisoner insane. I cannot see that any importance can be attached to this. I have read very carefully the report of the charge of the magistrate, and it appears to have been so clearly put that the jury could have no doubt of their duty in case they thought the prisoner insane when he committed the acts in question. They could not have listened to that charge without understanding fully that to bring in a verdict of guilty was to declare emphatically their disbelief in the insanity of the prisoner. The recommendation may be accounted for in many ways not connected at all with the question of the sanity of the prisoner.

The stipendiary magistrate adopts, in his charge to the jury, the test laid down in *McNaghten's case*, 10 Cl. & F. 204. Although this rule was laid down by the leading judges of England, at the time, to the House of Lords, it was not so done in any particular case which was before that tribunal for adjudication, and it could hardly be considered as a decision absolutely binding upon any court. I should consider this court fully justified in departing from it, if good ground were shown therefor, or, if, even without argument of counsel against it, it appeared to the court itself to be improper as applied to the facts of a particular case. In the present instance, counsel for the prisoner do not attempt to impugn the propriety of the rule, and in my opinion they could not successfully do so. It has never, so far as I can find, been overruled, though it may to some extent have been questioned. This rule is, that "notwithstanding the party did the act complained of with a view, under the influence of insane delusion, of redressing or revenging some supposed grievance or injury, or of producing some public benefit, he is nevertheless punishable according to the nature of the crime committed, if he knew at the time of committing such crime that he acted contrary to law."

Mr. Justice Maule, on the same occasion, puts it thus: "To render a person irresponsible for crime on account of unsoundness of mind, the unsoundness should, according to the law as it has long been understood and held, be such as rendered him incapable of knowing right from wrong."

The argument for the insanity of the prisoner is based to a certain extent on the idea that he was in such a state of mind that he did not know that the acts he was committing were wrong: that he fancied himself inspired of Heaven, and acting under the direction of Heaven, and in a holy cause. It would be exceedingly dangerous to admit the validity of such an argument for adjudging an accused person insane, particularly where the offence charged is of such a nature as that of which this prisoner is convicted. A man who leads an armed insurrection does so from a desire for murder, rapine, robbery, or for personal gain or advantage of some kind, or he does so in the belief that he has a righteous cause, grievances which he is entitled to take up arms to have redressed. In the latter case, if sincere, he believes it to be right to do so, that the law God permits, may, even calls upon him, to do so, and to adjudge a man insane on that ground, would be to open the door to an acquittal in every case in which a man with an honest belief in his wrongs, and that they were sufficiently grievous to warrant any means to secure their redress, should take up arms against the constituted authorities of the land. His action was exceedingly rash and foolhardy, but he reasoned that he could achieve a sufficient success to extort something from the Government, whether for himself or his followers. His actions were based on reason and not on insane delusion. It is true that there were some medical opinions that the prisoner was insane, based upon an account of his actions and his previous history, but the jury were not bound to accept such opinions. The jury had to listen to the grounds for these opinions, and to form their own judgment upon them. In my opinion, the evidence was such that the jury would not have been justified in any verdict than that which they gave; but even if it be admitted that they might reasonably have found in favor of the insanity of the prisoner, it cannot be said that they could not reasonably find him sane.

I hesitate to add anything to the remarks of my brother Taylor upon the evidence on the question of insanity. I have read over very carefully all the evidence that was laid before the jury, and I could say nothing that would more fully express the opinions

I have formed from its perusal than what is expressed by him. I agree with him as in saying that the prisoner has been ably and zealously defended, and that nothing that could assist his case appears to have been left untouched. If I could see any reason to believe that the jury, whether from passion or prejudice, or otherwise, had decided against the weight of the evidence upon the prisoner's insanity, I should desire to find that the Court could so interpret the statute as to be justified in causing the case to be laid before another jury for their consideration, as the only feelings we can have towards a fellow creature who has been deprived of the reason which places us above the brutes, are sincere pity and a desire to have some attempt made to restore him to the full enjoyment of a sound mind.

The prisoner is evidently a man of more than ordinary intelligence, who could have been of great service to those of his race in this country; and if he were insane, the greatest service that could be rendered to the country would be, that he should, if possible, be restored to that condition of mind which would enable him to use his mental powers and his education to assist in promoting the interests of that important class in the community to which he belongs. It is with the deepest regret that I recognize that the acts charged were committed without any such justification, and that this Court cannot in any way be justified in interfering.

In my judgment, the conviction must be confirmed.

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APPEAL TO THE PRIVY COUNCIL.

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P. C. No. 1743.

CERTIFIED copy of a report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 25th Sept. 1885.

The Committee of the Privy Council have had under consideration a petition from Louis Riel, now under sentence of death at Regina, in the North-West Territories of Canada, through his counsel, Messrs. Lemieux and Fitzpatrick, asking that such steps may be adopted by the Governor General in Council as will allow him the necessary time to procure an appeal to the Queen's Most Excellent Majesty in Council from the sentence and judgment rendered in his case at Regina.

The Minister of Justice to whom the petition was referred for immediate action, reports with respect to the application for delay in order to allow the prisoner time to appeal to the Privy Council, that the Magistrate has postponed the execution until the 16th of October, and he recommends that Your Excellency be moved to communicate with the Right Honorable the Principal Secretary of State for the Colonies with a view, if possible, to secure an early meeting of the Judicial Committee of the Privy Council in order that the question as to whether leave to appeal in this matter will be granted or not, shall be determined at the earliest possible time.

The Committee concur in the above recommendation of the Minister of Justice, and they submit the same for approval.

(Signed) JOHN J. MCGEE,
Clerk, Privy Council.

IN THE PRIVY COUNCIL.

In appeal from the Court of Queen's Bench for the Province of Manitoba, Dominion of Canada.

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LOUIS RIEL,

Appellant.

and

THE QUEEN,

Respondent.

con: Queen's Most Excellent Majesty in Council.

en: the humble petition of Louis Riel sheweth, as follows:--

wid: t. On the 20th, 21st, 22nd, 23rd, 24th and 25th days of July last, your petitioner had for the crime of treason before a stipendiary magistrate and a justice of the peace, with the intervention of a jury of six persons in the North-West Territories of the Dominion of Canada, and having been found guilty has been sentenced to death.

2nd. Your petitioner caused an appeal to be taken to the court of Queen's Bench for the Province of Manitoba, and that court has confirmed the sentence aforesaid.

3rd. Your petitioner feels aggrieved by the proceedings of the said courts for the following, amongst other reasons:

1st. The said stipendiary magistrate and justice had no jurisdiction to try Your petitioner for the crime aforesaid.

2nd. If they had jurisdiction in any case of treason, there was not in the case of your

petitioner; any indictment preferred by any grand jury or inquisition found by any coroner's inquest against your petitioner.

3rd. An information was laid against your petitioner, but even if a mere information was sufficient, that in the case of your petitioner was taken before the stipendiary magistrate alone who had no jurisdiction at all.

4th. The evidence at the trial was not taken down by the stipendiary magistrate, and by him caused to be taken down in writing, as directed by the Statute in that behalf.

5th. Upon the appeal to the Court of Queen's Bench, your petitioner was not permitted to be present nor were any of the papers or the record properly before the Court.

6th. The trial of your petitioner and the circumstances out of which it arose are deemed by the people of Canada to be matters of no ordinary importance, have divided the population into two opposing parties, and it is essential not only upon these grounds, but also from the fact that a large number of trials arising out of the same circumstances are being had before the same functionaries that the question raised by this petition should be adjudicated and settled.

The petitioner must therefore pray:

1st. That Your Majesty will be graciously pleased to order that your petitioner may have special leave to appeal and be at liberty to enter and prosecute his appeal from the afore said sentence and judgment respectively, and that the said stipendiary magistrate and justice may be ordered to transmit forthwith the transcript of the proceedings and evidence in the matter to the Privy Council office, or that Your Majesty may be graciously pleased to make such further or other order as to Your Majesty in Council may appear just and proper.

And your petitioner will ever pray, &c.

(Signed) F. X. LEMIEUX,
CHS. FITZPATRICK.

Quebec, September 14th, 1885.
True copy.

CHS. FITZPATRICK.

(COPY)

CANADA.

No. 243.

COLONEL STANLEY TO THE DEPUTY-GOVERNOR.

Downing Street,

24th October, 1885.

SIR,—With reference to my telegram of the 22nd instant, I have the honor to submit to you the accompanying copies of the judgment of the Lords of the judicial committee of the Privy Council, on the petition for leave to appeal of Louis Riel.

I have, &c.

(Signed)

ROBERT G. W. HERBERT,
for the Secretary of State.

The Deputy-Governor.

Judgment of the Lords of the Judicial committee of the Privy Council on the petition of Louis Riel, from the Court of Queen's Bench for the Province of Manitoba.

PRESENT:

- The Lord Chancellor.
- Lord Fitzgerald.
- Lord Monkswell.
- Lord Hobhouse.
- Lord Esher.
- Sir Barnes Peacock.

This is a petition of Louis Riel, tried in July last at Regina, in the North-West Territories of Canada, and convicted of high treason, and sentenced to death, for leave to appeal against an order of the Queen's Bench of Manitoba, confirming that conviction.

It is the usual rule of this committee not to grant leave to appeal in criminal cases, except where some clear departure from the requirements of justice is alleged to have taken place. Whether in this case the prerogatives to grant an appeal still exists, as their Lordships have not heard that question argued, they desire neither to affirm nor to deny, but they are clearly of opinion that in this case leave should not be given.

The petitioner was tried under the provisions of an Act passed by the Canadian Legislature, providing for the administration of criminal justice for those portions of the North-West Territory of Canada, in which the offence charged against the petitioner is alleged to have been committed. No questions has been raised that the facts as alleged were not proved to have taken place, nor was it denied before the original tribunal, or before the Court of Appeal in Manitoba, that the acts attributed to the petitioner amounted to the crime of high treason.

The defence upon the facts sought to be established before the jury was, that the petitioner was not responsible for his acts by reason of mental infirmity.

The jury before whom the petitioner was tried negated that defence, and no argument has been presented to their Lordships directed to show that that finding was otherwise than correct. Of the objections raised on the face of the petition two points only seem to be capable of plausible or, indeed, intelligible expression, and they have been urged before their Lordships with as much force as was possible, and as fully and completely in their Lordship's opinion as it would have been if leave to appeal had been granted, and they have been dealt with by the judgments of the Court of Appeal in Manitoba with a patience, learning and ability that leaves very little to be said upon them.

The first point is that the Act itself under which the petitioner was tried was *ultra vires* the Dominion Parliament to enact. That Parliament derived its authority for the passing of that statute from the Imperial Statute, 34 and 35 Vic. Chap. 28, which enacted that the Parliament of Canada may from time to time make provision for the administration, peace, order, and good government of any territory not for the time being included in any province.

It is not denied that the place in question was one in respect of which the Parliament of Canada was authorized to make such provision, but it appears to be suggested that any provision differing from the provisions which in this country have been made for administration, peace, order and good government cannot, as matters of law, be provisions for peace, order and good government in the territories to which the Statute relates, and further that, if a Court of law should come to the conclusion that a particular enactment, was not calculated as matter of fact and policy to secure peace, order, and good government, that they would be entitled to regard any Statute directed to those objects, but which a Court should think likely to fail of that effect, as *ultra vires* and beyond the competency of the Dominion Parliament to enact.

Their Lordships are of opinion that there is not the least colour for such a contention. The words of the Statute are apt to authorize the utmost discretion of enactment for the attainment of the objects pointed to. They are words under which the widest departure from Criminal procedure as it is known and practised in this country have been authorized in Her Majesty's Indian Empire.

Forms of procedure unknown to the English common laws have there been established and acted upon, and to throw the least doubt upon the validity of powers conveyed by those words would be of widely mischievous consequence.

There was indeed a contention upon the construction of the Canadian Statute, 43 Vict., Chap. 25, that high treason was not included in the words: "any other crimes," but it is too clear for argument, even without the assistance afforded by the 10th subsection, that the Dominion Legislature contemplated high treason as comprehended within the language employed.

The second point suggested assumes the validity of the Act, but is founded upon the

assumption that the Act has not been complied with. By the 7th sub-section of the 76th section it is provided that the magistrate shall take or cause to be taken in writing full notes of evidence and other proceedings thereat, and it is suggested that this provision has not been complied with, because though no complaint is made of inaccuracy or mistake, it is said that the notes were taken by a shorthand writer under the authority of the magistrate, and by a subsequent process extended into ordinary writing intelligible to all. Their Lordships desire to express no opinion what would have been the effect if the provision of the statute had not been complied with, because it is unnecessary to consider whether the provision is directory only, or whether the failure to comply with it would be ground for error, inasmuch as they are of opinion that the taking full notes of the evidence in shorthand was a causing to be taken in writing full notes of the evidence, and a literal compliance therefore with the Statute.

Their Lordship's will, therefore, humbly advise Her Majesty that leave should not be granted to prosecute this appeal.

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PETITION FOR A MEDICAL COMMISSION.

P. C. 2020.

[Translation].

TO HIS EXCELLENCY

THE RIGHT HONORABLE HENRY CHARLES KEITH PETTY-FITZMAURICE, MARQUIS OF
LANSDOWNE, GOVERNOR-GENERAL OF THE DOMINION OF CANADA, &c., &c., &c.

The Petition of F. X. Lemieux, advocate, of the city of Quebec,

Humbly represents :

That he has acted as one of the Counsel of Louis Riel, accused and convicted of the crime of high treason, at Regina, during the course of the month of August last ;

That at the time of the trial of Louis Riel it was established that the latter had already been confined for insanity in certain lunatic asylums viz : in 1874 in the Longue-Pointe asylum, at Montreal in 1876, at the Beauport asylum, Quebec in 1879, in a lunatic asylum at Washington, United States.

That credible witnesses, amongst whom Revd. Fathers André and Fourmond and Hon. Charles Nolin, and others, have proved, at the trial, that Louis Riel, had before, during and after the rising in the North-West, to their own knowledge, given sure and positive evidence of insanity by his deeds, words and general behaviour and that they truly believed that Riel was not responsible for his actions during the time already mentioned.

That this evidence of the insanity of Riel has been corroborated and strengthened by the testimony of two lunacy physicians, Messrs Roy of Quebec and Clarke of Toronto.

That Dr Roy has, moreover declared that Riel had been under his immediate care during the eighteen months for which he had been confined at Beauport and that Riel was then suffering from a mental disorder, or ambitious Monomania called Megalomania ; that from Louis Riel's antecedents, the evidence made of insane actions and the examination of the accused at the time of his trial, Dr Roy has sworn that he verily believed that Riel was insane and incapable of discerning right from wrong.

That Dr Clarke has declared under oath that for the same reasons as those used by Dr Roy, he was of opinion that Riel was a monomaniac and that he was suffering from a mental disorder which rendered him incapable of discerning right from wrong, but that, inasmuch, as he had never seen Riel before the time of the trial, it would have been necessary for him to examine the patient during perhaps a couple of months, in order to enable him to make an exact report as to his mental condition.

That this insanity has been so much proved that the jury have been impressed by proof which has been made of it, to such an extent that they recommended Riel to the clemency of the Court.

That your petition has been informed in a credible manner, that since the verdict has been given, the insanity and mania of Riel have considerably increased, and that he is actually insane and uncontrollable.

Your petitioner, therefore humbly prays that Your Excellency be pleased to appoint a medical commission composed of specialists and alienists, whose duty it will be to examine the said Louis Riel, actually detained in Regina, in the mounted police military camp, and to ascertain the state of mind and mental condition of the said Louis Riel and to report to the authorities accordingly.

And your petitioner will ever pray.

(Signed,)

F. X. LEMIEUX,
Attorney for Louis Riel.

[Translation].

I, FRANCOIS ROY, physician and surgeon, co-proprietor and superintendent of the lunatic asylum at Beauport, of the city of Quebec, solemnly declare:—

That all the facts alleged and contained in the above petition are true. And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Act passed in the 37th year of Her Majesty's Reigu intituled "An Act for the suppression of voluntary and extra judicial oaths," and have signed
(Signed) F. E. ROY, M. D.

Sworn before me at Québec this 24th day of October 1885.

(Signed) ALEXANDER CHAUVEAU, J. S. P.

[Translation].

CANADA
Province of Quebec.

F. X. LEMIEUX, Petitioner for a medical commission to examine into the mental state of Louis Riel.

I, FRANCOIS-XAVIER LEMIEUX, of the city of Quebec, advocate, and a member of the Legislative Assembly of the Province of Quebec solemnly declare:

That I was engaged as attorney and advocate for Louis Riel, at the time of his trial for high treason at Regina in the course of the months of July and August last. That since the time that the verdict of guilty was brought against Louis Riel and the sentence of death pronounced against him, I have had some correspondence with different persons, who since that time have had frequent relations and interviews with Louis Riel, and all these persons have declared to your petitioner that they truly believed that Louis Riel was insane and that his insanity had considerably increased since the time of the verdict.

That on the 31st August last, nearly a month after the verdict, the Révérend Père André, Supérieur des Oblats, sent me a letter from Regina, in which among other things he said as follows:

MY DEAR MR. LEMIEUX,

"By this time you should be in Winnipeg and in this hope I send you these lines to salute you and to wish you success in your praiseworthy attempt to save the poor and unfortunate Riel. Since your departure from Regina I have visited your client regularly every day.

"The experience I have gained of this man by continual contact with him has only confirmed me more and more in the opinion I had already formed of him, that he is crazy and insane (craqué et toqué, a crank) both in regard to religion and to politics. It is only necessary to hear him speak of his visions for the reform of the world in regard to religion as well as politics, to be quite certain of this unhealthy and crazy state of mind.

"I have just been visiting him, and during an hour he spoke of extraordinary revelations made to him by the spirit the previous night, and that he has been ordered to communicate to me and to all the Catholic clergy: "The great cause of sin in the world is the revolt of the body against the spirit, it is because we do not chew our food enough, and by this want of mastication it communicates animal life only to the body while by masticating and chewing it well, it spiritualizes the body."

"He had been searching for this secret since fifteen years and it had been communicated to him but the previous night, and he was in a state of great joy for having discovered this means which will prove to be a powerful agent to communicate spiritual life in bodies gradually leaving this world to rise to heaven.

While he was speaking he ~~shook~~ ^{showed} me his hand: "Do you see, says he, blood flowing in the veins; the telegraph is operating actively, and I feel it, they are talking about me, and questioning authorities, in Ottawa, about me."

It is of similar fantastic visions he speaks with me every day. I am convinced that he is not acting a part, he speaks with a conviction and a sincerity which leave no doubt in my mind about the state of his mind, he has retracted his errors but he believes himself to day to be a prophet and invested with a divine mission to reform the world on the day he has spoken to the Court and when I reprove him for his foolish and extravagant ideas, he answers that he submits, but that he cannot stifle the voice that speaks in him and the spirit that commands him to communicate to the world the revelations he receives. One must have the ferocious hatred of a fanatic or the stupidity of an idiot, to say that Riel is not a fool, because he is intelligent in other matters, as if history was not filled with such anomalies among certain men who, remarkable in certain subjects, have lost the balance which contains intelligence within the limits from which it cannot escape without losing its privilege of guiding us or making us responsible for our own acts.

Riel is truly a phenomenon worth studying. He is under many aspects remarkable. One must know him and above all study him closely to find out that he is a prey to an invincible delusion, which deprives of that faculty which is called *common sense* and which is the criterion which God has given us to enable us to judge of the goodness or of the malice of our own acts. Riel has certainly not the common sense which can shew him the bearings of his actions and specially so when religion and politics are concerned. These are the principles which guide me in my treatment of him since he is in gaol. Although his opinions upon religion are greatly erroneous, I do not hold him responsible and do not admit him to receive sacraments. And for all that, he often renews the errors which he has retracted and which he again retracts when I point out to him his heresies as contrary to the dogmas taught by the Holy Catholic Church.

"On the day following such retractation, he talks to me more ardently than ever about his revelations and his communication with some angel who honors him with a nocturnal visit."

I have gone to Regina, about the eight of September last, for the only purpose of seeing Riel, who on many occasions, by letters and telegrams had begged that I should go and see him, as he had very important matters to communicate to me, he said. I have had many interviews with him, during which he did not say one word about his case which had been taken in appeal before the Court of Queen's Bench, in Manitoba, but he spoke to me of his mission, of his prophecies, of his visions, and heavenly communications and of the other subjects mentioned in the foregoing extracts of the letter from Father André

And during the long conversations which I had with him, I hardly could obtain a few words which had even a dim light of common sense.

I had seen Louis Riel during about a month, at the time of his trial and I solemnly declare it, at the time when I saw him last (8 September ultimo) his mental condition was greatly altered and his mind had considerably weakened and I truly believe that at the date of the 8th September and up to now, Louis Riel was mad and incapable of discerning right from wrong.

Such is also the opinion of persons whom I have met at Regina and who have seen Riel since his trial.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Act passed in the 37th year of Her Majesty's reign intituled "An Act for the suppression of voluntary and extrajudicial oaths." And I have signed.
(Signed) F. X. LEMIEUX.

Acknowledged before me at Quebec, this 28th day of October, 1885.

(Signed) D. MURRAY, J. P.

LIST OF PETITIONS — "RIEL" CASE.

NAME OF COUNTY, MUNICIPALITY, &c.	By WHOM SENT.	FOR COMMUTA-TION.	FOR MEDICAL ENQUIRY.
County of Vaudreuil	H. McMillan, M.P.	For	For
Three Rivers and Nicolet	T. E. Methot	"	"
St. Jean-Baptiste, Cote St. Louis et Mile-End	A. Desjardins, M.P.	"	"
Lachine	Electors	"	"
Parish of Varennes	F. X. Perrault	"	"
Township of Clarence, Co. of Prescott	Electors	"	"
Parish of St. Laurent	"	"	"
County of Two Mountains	Municipal Council	"	"
City of St. Hyacinthe	Citizens	"	"
Batiscan, St. Prosper, Ste. Genevieve	"	"	"
Parish of Pointe Claire	Electors	"	"
Whitehall, N. Y.	Citizens	"	"
Roxton and Roxton Falls	"	"	"
Parish of St. Narcisse	"	"	"
Yamachiche, Shawenigan et St. Etienne	E. Gerin	"	"
Trois Pistoles	Electors	"	"
Berthier (en haut)	Citizens	"	"
Manitoba, Province of	Inhabitants	"	"
St. Francois-Xavier	Citizens	"	"
Isle Bizard	Electors	"	"
St. Jerome	Citizens	"	"
Three Rivers	"	"	"
L'Islet	P. B. Casgrain, M.P.	"	"
St. Jean Port Joli	Citizens	"	"
Quebec	"	"	"
Rimouski	Electors	"	"
Chicago, Ill.	Citizens	"	"
Fraserville (Riviere du Loup)	Electors	"	"
St. Francois (Montmagny)	Citizens	"	"
County of Montmagny	Council	"	"
Notre-Dame du Mont-Carmel	Citizens	"	"
St. Sauveur, Que.	"	"	"
Rimouski	Electors	"	"
Coaticook	"	"	"
St. Paul	Citizens	"	"
L'Islet	Electors	"	"
County of Essex, Ont	Citizens	"	"
Manitoba, Province of	Electors	"	"
St. Etienne	Council	"	"
Holyoke, U.S.	L. Laframboise	"	"
County of Maskinongé	A. L. Desaulniers, M. P.	"	"
County of L'Assomption	Electors	"	"
Cap St. Ignace	Citizens	"	"
Gaspé and Rimouski	Electors	"	"
Red River, Man	Inhabitants	"	"
Minnesota, U.S.	Residents	"	"
St. John, P. Q.	Electors	"	"
Manitoba	"	"	"

LIST OF PETITIONS — "RIEL" CASE. — (Continued.)

NAME OF COUNTY, MUNICIPALITY, &c.	BY WHOM SENT.	FOR COMMUTA-TION.	FOR MEDICAL ENQUIRY.
Iberville, P. Q.	Electors	"	"
City of Ottawa	French Canadians	"	"
County of Morris, Man	Electors	"	"
Town of Sorel	Citizens	"	"
Sherbrooke, France	Lucien Dion	"	"
Sherbrooke	Citizens	"	"
Ste. Genevieve	Inhabitants	"	"
Qu'Appelle River	Half-Breeds	"	"
Joliette	"	"	"
Sherbrooke, Compton	"	"	"
Sherbrooke	"	"	"
Farnham	"	"	"
St. Pierre	"	"	"
Cranbourne	"	"	"
County Montmagny	"	"	"